PETITION OF Doty II

Kirkland Place Overlay District

Petition filed with the City Clerk Dec. 31, 1991

(all hearings to be completed 65 days from In City Council date)

17 days Jan.
29 days Feb.
19 days March
65 days = March 19, 1992 = all Hearings

In City Council January 13, 1992

Referred to the Planning Board for report Jan 13, 1992

Planning Board Hearing February 18, 1992

(CITY COUNCIL must act within 90 days of the ORDINANCE COMMITTEE hearing which would be June 10, 1992.)

19 days March
30 days April
31 days May
10 days June
90 days = June 10, 1992

City Council hearing published Chronicle on Feb. 20, 1992

and Feb. 27, 1992

Hearing before the Ordinance Committee March 12, 1992 at 5:30 p.m.

Reported to the City Council March 23, 1992

Passed to a second reading on March 23, 1992

published in Chronicle on March 26, 1992

Planning Board report received on March 16 1992

Ready for ordination on April 6, 1992

Passed to be ordained on April 6, 1992

published in Chronicle on April 9, 1992

COMPLETION DATE June 10, 1992

Copy sent to DCA, Attorney General, Law Dept, Community Development & Inspectional Services Dept.

4/9/92 dd

OFFICE OF THE CITY CLERK

CITY OF CAMBRIDGE

CITY HALL, CAMBRIDGE, MASSACHUSETTS 02139

(617) 349-4260

JOSEPH E. CONNARTON
CITY CLERK

JOHN E. FLYNN
DEPUTY CITY CLERK

April 8, 1992

Department of Community Affairs
Commonwealth of Massachusetts
100 Cambridge Street
Room 904
Boston, MA 02202

Dear Sir:

Enclosed you will find a copy of a proposed amendment to the Zoning Ordinances of the City of Cambridge which was passed to be ordained as amended at the City Council meeting held on April 6, 1992 to add a new section 11.400 to be called the Kirkland Place Overlay District.

This amendment is being sent to you pursuant to the provisions of Chapter 808 of the Acts of 1975.

Your kind attention in this matter will be greatly appreciated.

Very truly yours,

John E. Flynn

John E. Flynn
Deputy City Clerk

JEF/dl

Enc. Ordinance # 1136

c.c. Les Barber
Office of the Attorney General

ORDINANCE NO. 1136.

Final publication number 2584. First publication in the Chronicle on March 26, 1992.

City of Cambridge

In the Year One Thousand, Nine Hundred Ninety-Two

AN ORDINANCE

In amendment to the ordinance entitled "Zoning Ordinances of the City of Cambridge."

Be it ordained by the City Council of the City of Cambridge as follows:

By adding a new Section 11.400 to be called the Kirkland Place Overlay District which shall read as follows:

11.400-KIRKLAND PLACE OVERLAY DISTRICT

11.401 Establishment and Scope. There is hereby established the Kirkland Place Overlay District which shall be governed by the Regulations and procedures specified in this Section 11.400. These regulations are intended to provide a transition between the character and scale of the abutting A-2 residential district and the development options possible in the base Residence C-3 zone. It is the intent of this Section that these regulations will apply to a single area located at the westerly edge of Kirkland Place, north of Kirkland Street and bounded and described as follows:

Amend the Zoning Map of the City of Cambridge by designating on the map as the Kirkland Place Overlay District that area bounded and described below:

Beginning at a point, said point being the intersection of the westerly street line of Kirkland Place and a line 135 feet distant from and parallel to the northerly street line of Kirkland Street. Thence running westerly 90 feet to a point, said point being the intersection of a line 135 feet distant from and parallel to the northerly street line of Kirkland Street and a line 90 distant from and parallel to the westerly side line of Kirkland Place. Thence turning and running northerly along the line 90 feet distant from and parallel to the westerly street line of Kirkland Place 402 feet to a point, said point being the intersection of a line 90 feet distant from and parallel to the northerly lot line of lot #45 as shown on Assessors' Plat #145. Thence turning and proceeding easterly along said northerly lot line to the northeasterly corner of said lot #45. Thence turning and running southerly along the easterly lot line of lot #45 to the intersection of the lot line and the circular part of Kirkland Place. Thence turning and proceeding southwesterly along the circular part of the westerly street line of Kirkland Place approximately 62.69 feet. Thence turning and running southerly along the western street line of Kirkland Place for a distance of approximately 327 feet, to the point of origin.

The affected premises: odd numbers 3-13 Kirkland Place, all or portions of lots numbered 21, 37, 38, 39, and 45 as shown on Assessors' Plat #145.

11.402 *General Purpose.* It is the purpose of this Section 11.400 to augment the existing zoning regulations to respond to the unique problems and pressures for change particular to the Kirkland Place area. These regulations are intended to encourage retention of buildings of historic value and enhance the established streetscape; to maintain the visual character and open space patterns; and to provide sufficient regulatory flexibility to advance the general purposes of this Section 11.402.

11.403 *Applicability*

The Kirkland Place Overlay District shall be an overlay district on the zoning map established by Section 3.20.

The buildings and land uses within said district shall be controlled by the pertinent regulations within the base zoning district, except as modified by the requirements of Section 11.400 which shall apply in addition to regulations imposed by the base zoning map designation. Where the base zoning regulations differ from requirements of this Section 11.400, the requirements of this Section shall apply. Divergence from the standards established in this Section may be allowed only by issuance of a Special Permit by the Planning Board as specified in Section 10.45. The Board may grant such a permit upon its determination that the development proposed will better serve the objectives of this Section 11.400 and that the criteria specified in Section 10.43 will be satisfied.

11.404 The Kirkland Place Overlay District shall be considered an area of special planning concern.

Development proposals listed in Subsection 11.42, Development Consultation Procedures, shall be subject to the Development Consultation Procedure specified in Section 11.40.

11.405 *Use Regulations*

Use Regulations of the Residence C-3 zoning designation shall apply in the Kirkland Place Overlay District.

11.406 *Dimensional Standards in the Kirkland Place Overlay District*

11.406.1 Floor Area Ratio.

The above ground floor area ratio shall be the same as in the A-2 zoning district. The overall floor area ratio in the Overlay District shall be 3.0. Any floor area created in excess of .5 must be completely below grade.

11.406.2 Maximum Height.

The maximum height in the Overlay District shall be 35 feet.

11.406.3 Setbacks.

Building setbacks in the Overlay District shall be the same as in the Residence A-2 zoning district.

11.406.4 Useable Open Space.

Open space requirements in the Overlay District shall be the same as in the Residence A-2 zoning district.

11.406.5 Nonconforming Structures.

Notwithstanding the provisions of Section 8.23, that portion of a legal nonconforming structure lying within the Kirkland Place Overlay District which is destroyed or damaged by fire, explosion or other catastrophe may be rebuilt or restored and used again in the same way as it had been legally used immediately before the damage, without limit as to cost of such rebuilding or restoring provided the following conditions are met:

(a) any restoration or rebuilding shall commence within twelve (12) months after the catastrophe; and

(b) the structure shall be restored or rebuilt to the same design, including materials and design details as existed previously; or should the restoration not be feasible necessitating that the structure be rebuilt to a different design, said design shall be at least equal to the origin design of the structure in quality of materials used, the quantity and quality of design details employed, and the compatibility of the site design with abutting properties;

(c) the Community Development Department shall certify to the Superintendent of Buildings that the above conditions have been met.

Should the Community Development Department find that said conditions have not been met, the restoring or rebuilding shall require a special permit from the Board of Zoning Appeal.

The restored or rebuilt structure shall in no respect increase the nonconforming nature of the original structure; nothing in this Section, however, shall prohibit a rebuilding or restoring which reduces the nonconforming nature of the original structure.

In City Council April 6, 1992.

Passed to be ordained as amended by a yea and nay vote: Yeas 8; Nays 0; Absent 1.

Robert W. Healy, City Manager.

ATTEST:- John E. Flynn
Deputy City Clerk

OFFICE OF THE CITY CLERK

CITY OF CAMBRIDGE

CITY HALL, CAMBRIDGE, MASSACHUSETTS 02139

(617) 349-4260

JOSEPH E. CONNARTON
CITY CLERK

JOHN E. FLYNN
DEPUTY CITY CLERK

April 8, 1992

Mr. Russell B. Higley
City Solicitor
City Hall
Cambridge, MA 02139

Dear Sir:

Enclosed you will find a copy of a proposed amendment to the Zoning Ordinances of the City of Cambridge which was passed to be ordained as amended at the City Council meeting held on April 6, 1992 to add a new section 11.400 to be called the Kirkland Place Overlay District.

Would you kindly review this amendment and indicate your approval or disapproval on the bottom and return to this office.

Your kind attention in this matter will be greatly appreciated.

Very truly yours,

John E. Flynn
Deputy City Clerk

JEF/dl

Enc. Ordinance # 1136

c.c. Councillor Wolf, Chair, Committee on Ordinances
Joseph Cellucci, Inspectional Services Commissioner
Birge Albright, Law Dept.

ORDINANCE NO. 1136.

Final publication number 2584. First publication in the Chronicle on March 26, 1992.

City of Cambridge

In the Year One Thousand, Nine Hundred Ninety-Two

AN ORDINANCE

In amendment to the ordinance entitled "Zoning Ordinances of the City of Cambridge."

Be it ordained by the City Council of the City of Cambridge as follows:

By adding a new Section 11.400 to be called the Kirkland Place Overlay District which shall read as follows:

11.400 KIRKLAND PLACE OVERLAY DISTRICT

11.401 Establishment and Scope. There is hereby established the Kirkland Place Overlay District which shall be governed by the Regulations and procedures specified in this Section 11.400. These regulations are intended to provide a transition between the character and scale of the abutting A-2 residential district and the development options possible in the base Residence C-3 zone. It is the intent of this Section that these regulations will apply to a single area located at the westerly edge of Kirkland Place, north of Kirkland Street and bounded and described as follows:

Amend the Zoning Map of the City of Cambridge by designating on the map as the Kirkland Place Overlay District that area bounded and described below:

Beginning at a point, said point being the intersection of the westerly street line of Kirkland Place and a line 135 feet distant from and parallel to the northerly street line of Kirkland Street. Thence running westerly 90 feet to a point, said point being the intersection of a line 135 feet distant from and parallel to the northerly street line of Kirkland Street and a line 90 distant from and parallel to the westerly side line of Kirkland Place. Thence turning and running northerly along the line 90 feet distant from and parallel to the westerly street line of Kirkland Place 402 feet to a point, said point being the intersection of a line 90 feet distant from and parallel to the westerly street line of Kirkland Place and the northerly lot line of lot #45 as shown on Assessors' Plat #145. Thence turning and proceeding easterly along said northerly lot line to the northeasterly corner of said lot #45. Thence turning and running southerly along the easterly lot line of lot #45 to the intersection of the lot line and the circular part of Kirkland Place. Thence turning and proceeding southwesterly along the circular part of the westerly street line of Kirkland Place approximately 62.69 feet. Thence turning and running southerly along the western street line of Kirkland Place for a distance of approximately 327 feet, to the point of origin.

The affected premises: odd numbers 3-13 Kirkland Place, all or portions of lots numbered 21, 37, 38, 39, and 45 as shown on Assessors' Plat #145.

11.402 *General Purpose.* It is the purpose of this Section 11.400 to augment the existing zoning regulations to respond to the unique problems and pressures for change particular to the Kirkland Place area. These regulations are intended to encourage retention of buildings of historic value and enhance the established streetscape; to maintain the visual character and open space patterns; and to provide sufficient regulatory flexibility to advance the general purposes of this Section 11.402.

11.403 *Applicability*

The Kirkland Place Overlay District shall be an overlay district on the zoning map established by Section 3.20.

The buildings and land uses within said district shall be controlled by the pertinent regulations within the base zoning district, except as modified by the requirements of Section 11.400 which shall apply in addition to regulations imposed by the base zoning map designation. Where the base zoning regulations differ from requirements of this Section 11.400, the requirements of this Section shall apply. Divergence from the standards established in this Section may be allowed only by issuance of a Special Permit by the Planning Board as specified in Section 10.45. The Board may grant such a permit upon its determination that the development proposed will better serve the objectives of this Section 11.400 and that the criteria specified in Section 10.43 will be satisfied.

11.404 The Kirkland Place Overlay District shall be considered an area of special planning concern.

Development proposals listed in Subsection 11.42, Development Consultation Procedures, shall be subject to the Development Consultation Procedure specified in Section 11.40.

11.405 *Use Regulations*

Use Regulations of the Residence C-3 zoning designation shall apply in the Kirkland Place Overlay District.

11.406 *Dimensional Standards in the Kirkland Place Overlay District*

11.406.1 Floor Area Ratio.

The above ground floor area ratio shall be the same as in the A-2 zoning district. The overall floor area ratio in the Overlay District shall be 3.0. Any floor area created in excess of .5 must be completely below grade.

11.406.2 Maximum Height.

The maximum height in the Overlay District shall be 35 feet.

11.406.3 Setbacks.

Building setbacks in the Overlay District shall be the same as in the Residence A-2 zoning district.

11.406.4 Useable Open Space.

Open space requirements in the Overlay District shall be the same as in the Residence A-2 zoning district.

11.406.5 Nonconforming Structures.

Notwithstanding the provisions of Section 8.23, that portion of a legal nonconforming structure lying within the Kirkland Place Overlay District which is destroyed or damaged by fire, explosion or other catastrophe may be rebuilt or restored and used again in the same way as it had been legally used immediately before the damage, without limit as to cost of such rebuilding or restoring provided the following conditions are met:

(a) any restoration or rebuilding shall commence within twelve (12) months after the catastrophe; and

(b) the structure shall be restored or rebuilt to the same design, including materials and design details as existed previously; or should the restoration not be feasible necessitating that the structure be rebuilt to a different design, said design shall be at least equal to the origin design of the structure in quality of materials used, the quantity and quality of design details employed, and the compatibility of the site design with abutting properties;

(c) the Community Development Department shall certify to the Superintendent of Buildings that the above conditions have been met.

Should the Community Development Department find that said conditions have not been met, the restoring or rebuilding shall require a special permit from the Board of Zoning Appeal.

The restored or rebuilt structure shall in no respect increase the nonconforming nature of the original structure; nothing in this Section, however, shall prohibit a rebuilding or restoring which reduces the nonconforming nature of the original structure.

In City Council April 6, 1992.

Passed to be ordained as amended by a yea and nay vote: Yeas 8; Nays 0; Absent 1.

Robert W. Healy, City Manager.

ATTEST:- John E. Flynn
Deputy City Clerk

C. C. 106

City of Cambridge

MASSACHUSETTS

In City Council April 6, 1992

C. Wolf - Unfinished Business #5 - "Kirkland Place Overlay District" - Passed to be ordained as amended.

	YEA	NAY	ABSENT	PRESENT	
Mr. Ed Cyr	✓				
Mr. Francis H. Duehay	✓				
Mr. Jonathan S. Myers	✓				
Mrs. Sheila T. Russell	✓				
Mr. Walter J. Sullivan			✓		
Mr. Timothy J. Toomey, Jr.	✓				
Mr. William H. Walsh	✓				
Ms. Alice K. Wolf	✓				
Mayor Kenneth E. Reeves	✓				
	8	0	1	0	

C. Wolf
MT
RF.

ORDINANCE NO. 1136.

Final publication number 2584. First publication in the Chronicle on March 26, 1992.

City of Cambridge

In the Year One Thousand, Nine Hundred Ninety-Two

AN ORDINANCE

In amendment to the ordinance entitled "Zoning Ordinances of the City of Cambridge."

Be it ordained by the City Council of the City of Cambridge as follows:

By adding a new Section 11.400 to be called the Kirkland Place Overlay District which shall read as follows:

11.400 KIRKLAND PLACE OVERLAY DISTRICT

11.401 Establishment and Scope. There is hereby established the Kirkland Place Overlay District which shall be governed by the Regulations and procedures specified in this Section 11.400. These regulations are intended to provide a transition between the character and scale of the abutting A-2 residential district and the development options possible in the base Residence C-3 zone. It is the intent of this Section that these regulations will apply to a single area located at the westerly edge of Kirkland Place, north of Kirkland Street and bounded and described as follows:

Amend the Zoning Map of the City of Cambridge by designating on the map as the Kirkland Place Overlay District that area bounded and described below:

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The affected premises: odd numbers 3-13 Kirkland Place, all or portions of lots numbered 21, 37, 38, 39, and 45 as shown on Assessors' Plat #145.

11.402 *General Purpose.* It is the purpose of this Section 11.400 to augment the existing zoning regulations to respond to the unique problems and pressures for change particular to the Kirkland Place area. These regulations are intended to encourage retention of buildings of historic value and enhance the established streetscape; to maintain the visual character and open space patterns; and to provide sufficient regulatory flexibility to advance the general purposes of this Section 11.402.

11.403 *Applicability*

The Kirkland Place Overlay District shall be an overlay district on the zoning map established by Section 3.20.

The buildings and land uses within said district shall be controlled by the pertinent regulations within the base zoning district, except as modified by the requirements of Section 11.400 which shall apply in addition to regulations imposed by the base zoning map designation. Where the base zoning regulations differ from requirements of this Section 11.400, the requirements of this Section shall apply. Divergence from the standards established in this Section may be allowed only by issuance of a Special Permit by the Planning Board as specified in Section 10.45. The Board may grant such a permit upon its determination that the development proposed will better serve the objectives of this Section 11.400 and that the criteria specified in Section 10.43 will be satisfied.

11.404 The Kirkland Place Overlay District shall be considered an area of special planning concern.

Development proposals listed in Subsection 11.42, Development Consultation Procedures, shall be subject to the Development Consultation Procedure specified in Section 11.40.

11.405 *Use Regulations*

Use Regulations of the Residence C-3 zoning designation shall apply in the Kirkland Place Overlay District.

11.406 *Dimensional Standards in the Kirkland Place Overlay District*

11.406.1 Floor Area Ratio.

The above ground floor area ratio shall be the same as in the A-2 zoning district. The overall floor area ratio in the Overlay District shall be 3.0. Any floor area created in excess of .5 must be completely below grade.

11.406.2 Maximum Height.

The maximum height in the Overlay District shall be 35 feet.

11.406.3 Setbacks.

Building setbacks in the Overlay District shall be the same as in the Residence A-2 zoning district.

11.406.4 Useable Open Space.

Open space requirements in the Overlay District shall be the same as in the Residence A-2 zoning district.

11.406.5 Nonconforming Structures.

Notwithstanding the provisions of Section 8.23, that portion of a legal nonconforming structure lying within the Kirkland Place Overlay District which is destroyed or damaged by fire, explosion or other catastrophe may be rebuilt or restored and used again in the same way as it had been legally used immediately before the damage, without limit as to cost of such rebuilding or restoring provided the following conditions are met:

(a) any restoration or rebuilding shall commence within twelve (12) months after the catastrophe; and

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(c) the Community Development Department shall certify to the Superintendent of Buildings that the above conditions have been met.

Should the Community Development Department find that said conditions have not been met, the restoring or rebuilding shall require a special permit from the Board of Zoning Appeal.

The restored or rebuilt structure shall in no respect increase the nonconforming nature of the original structure; nothing in this Section, however, shall prohibit a rebuilding or restoring which reduces the nonconforming nature of the original structure.

In City Council April 6, 1992.

Passed to be ordained as amended by a yea and nay vote: Yeas 8; Nays 0; Absent 1.

Robert W. Healy, City Manager.

ATTEST:- John E. Flynn
Deputy City Clerk

ORDINANCE NO. 1136.

Final publication number 2584. First publication in the Chronicle on March 26, 1992.

City of Cambridge

In the Year One Thousand, Nine Hundred Ninety-Two

AN ORDINANCE

In amendment to the ordinance entitled "Zoning Ordinances of the City of Cambridge."

Be it ordained by the City Council of the City of Cambridge as follows:

By adding a new Section 11.400 to be called the Kirkland Place Overlay District which shall read as follows:

11.400 KIRKLAND PLACE OVERLAY DISTRICT

11.401 Establishment and Scope. There is hereby established the Kirkland Place Overlay District which shall be governed by the Regulations and procedures specified in this Section 11.400. These regulations are intended to provide a transition between the character and scale of the abutting A-2 residential district and the development options possible in the base Residence C-3 zone. It is the intent of this Section that these regulations will apply to a single area located at the westerly edge of Kirkland Place, north of Kirkland Street and bounded and described as follows:

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11.402 *General Purpose*. It is the purpose of this Section 11.400 to augment the existing zoning regulations to respond to the unique problems and pressures for change particular to the Kirkland Place area. These regulations are intended to encourage retention of buildings of historic value and enhance the established streetscape; to maintain the visual character and open space patterns; and to provide sufficient regulatory flexibility to advance the general purposes of this Section 11.402.

11.403 *Applicability*

The Kirkland Place Overlay District shall be an overlay district on the zoning map established by Section 3.20.

The buildings and land uses within said district shall be controlled by the pertinent regulations within the base zoning district, except as modified by the requirements of Section 11.400 which shall apply in addition to regulations imposed by the base zoning map designation. Where the base zoning regulations differ from requirements of this Section 11.400, the requirements of this Section shall apply. Divergence from the standards established in this Section may be allowed only by issuance of a Special Permit by the Planning Board as specified in Section 10.45. The Board may grant such a permit upon its determination that the development proposed will better serve the objectives of this Section 11.400 and that the criteria specified in Section 10.43 will be satisfied.

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11.405 *Use Regulations*

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11.406 *Dimensional Standards in the Kirkland Place Overlay District*

11.406.1 Floor Area Ratio.

The above ground floor area ratio shall be the same as in the A-2 zoning district. The overall floor area ratio in the Overlay District shall be 3.0. Any floor area created in excess of .5 must be completely below grade.

11.406.2 Maximum Height.

The maximum height in the Overlay District shall be 35 feet.

11.406.3 Setbacks.

Building setbacks in the Overlay District shall be the same as in the Residence A-2 zoning district.

11.406.4 Useable Open Space.

Open space requirements in the Overlay District shall be the same as in the Residence A-2 zoning district.

11.406.5 Nonconforming Structures.

Notwithstanding the provisions of Section 8.23, that portion of a legal nonconforming structure lying within the Kirkland Place Overlay District which is destroyed or damaged by fire, explosion or other catastrophe may be rebuilt or restored and used again in the same way as it had been legally used immediately before the damage, without limit as to cost of such rebuilding or restoring provided the following conditions are met:

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In City Council April 6, 1992.

Passed to be ordained as amended by a yea and nay vote: Yeas 8; Nays 0; Absent 1.

Robert W. Healy, City Manager.

ATTEST:- John E. Flynn
Deputy City Clerk

ORDINANCE NO. 1136.

Final publication number 2584. First publication in the Chronicle on March 26, 1992.

City of Cambridge

In the Year One Thousand, Nine Hundred Ninety-Two

AN ORDINANCE

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Be it ordained by the City Council of the City of Cambridge as follows:

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The affected premises: odd numbers 3-13 Kirkland Place, all or portions of lots numbered 21, 37, 38, 39, and 45 as shown on Assessors' Plat #145.

11.402 *General Purpose.* It is the purpose of this Section 11.400 to augment the existing zoning regulations to respond to the unique problems and pressures for change particular to the Kirkland Place area. These regulations are intended to encourage retention of buildings of historic value and enhance the established streetscape; to maintain the visual character and open space patterns; and to provide sufficient regulatory flexibility to advance the general purposes of this Section 11.402.

11.403 *Applicability*

The Kirkland Place Overlay District shall be an overlay district on the zoning map established by Section 3.20.

The buildings and land uses within said district shall be controlled by the pertinent regulations within the base zoning district, except as modified by the requirements of Section 11.400 which shall apply in addition to regulations imposed by the base zoning map designation. Where the base zoning regulations differ from requirements of this Section 11.400, the requirements of this Section shall apply. Divergence from the standards established in this Section may be allowed only by issuance of a Special Permit by the Planning Board as specified in Section 10.45. The Board may grant such a permit upon its determination that the development proposed will better serve the objectives of this Section 11.400 and that the criteria specified in Section 10.43 will be satisfied.

11.404 The Kirkland Place Overlay District shall be considered an area of special planning concern.

Development proposals listed in Subsection 11.42, Development Consultation Procedures, shall be subject to the Development Consultation Procedure specified in Section 11.40.

11.405 *Use Regulations*

Use Regulations of the Residence C-3 zoning designation shall apply in the Kirkland Place Overlay District.

11.406 *Dimensional Standards in the Kirkland Place Overlay District*

11.406.1 Floor Area Ratio.

The above ground floor area ratio shall be the same as in the A-2 zoning district. The overall floor area ratio in the Overlay District shall be 3.0. Any floor area created in excess of .5 must be completely below grade.

11.406.2 Maximum Height.

The maximum height in the Overlay District shall be 35 feet.

11.406.3 Setbacks.

Building setbacks in the Overlay District shall be the same as in the Residence A-2 zoning district.

11.406.4 Useable Open Space.

Open space requirements in the Overlay District shall be the same as in the Residence A-2 zoning district.

11.406.5 Nonconforming Structures.

Notwithstanding the provisions of Section 8.23, that portion of a legal nonconforming structure lying within the Kirkland Place Overlay District which is destroyed or damaged by fire, explosion or other catastrophe may be rebuilt or restored and used again in the same way as it had been legally used immediately before the damage, without limit as to cost of such rebuilding or restoring provided the following conditions are met:

(a) any restoration or rebuilding shall commence within twelve (12) months after the catastrophe; and

(b) the structure shall be restored or rebuilt to the same design, including materials and design details as existed previously; or should the restoration not be feasible necessitating that the structure be rebuilt to a different design, said design shall be at least equal to the origin design of the structure in quality of materials used, the quantity and quality of design details employed, and the compatibility of the site design with abutting properties;

(c) the Community Development Department shall certify to the Superintendent of Buildings that the above conditions have been met.

Should the Community Development Department find that said conditions have not been met, the restoring or rebuilding shall require a special permit from the Board of Zoning Appeal.

The restored or rebuilt structure shall in no respect increase the nonconforming nature of the original structure; nothing in this Section, however, shall prohibit a rebuilding or restoring which reduces the nonconforming nature of the original structure.

In City Council April 6, 1992.

Passed to be ordained as amended by a yea and nay vote: Yeas 8; Nays 0; Absent 1.

Robert W. Healy, City Manager.

ATTEST:- John E. Flynn
Deputy City Clerk

OFFICE OF THE CITY CLERK

CITY OF CAMBRIDGE

CITY HALL, CAMBRIDGE, MASSACHUSETTS 02139

(617) 349-4260

JOSEPH E. CONNARTON
CITY CLERK

JOHN E. FLYNN
DEPUTY CITY CLERK

MARCH 27, 1992

Mr. Russell B. Higley
City Solicitor
City Hall
Cambridge, MA 02139

Dear Sir:

Enclosed you will find a copy of a proposed amendment to the Zoning Ordinances of the City of Cambridge which was passed to a second reading at the City Council meeting held on March 23, 1992 to add a new section 11.400 to be called the Kirkland Place Overlay District.

Would you kindly review this amendment and indicate your approval or disapproval on the bottom and return to this office.

Your kind attention in this matter will be greatly appreciated.

Very truly yours,

Joseph E. Connarton

Joseph E. Connarton
City Clerk

JEC/dl

Enc. First publication number 2579

c.c. Councillor Wolf, Chair, Committee on Ordinances
Joseph Cellucci, Inspectional Services Commissioner
Birge Albright, Law Dept.

FIRST PUBLICATION NO. 2579.

City of Cambridge

In the Year One Thousand, Nine Hundred Ninety-Two

AN ORDINANCE

In amendment to the ordinance entitled "Zoning Ordinances of the City of Cambridge."

Be it ordained by the City Council of the City of Cambridge as follows:

By adding a new Section 11.400 to be called the Kirkland Place Overlay District which shall read as follows:

11.400 KIRKLAND PLACE OVERLAY DISTRICT

11.401 *Establishment and Scope.* There is hereby established the Kirkland Place Overlay District which shall be governed by the regulations and procedures specified in this Section 11.400. These regulations are intended to provide a transition between the character and scale of the abutting A-2 residential district and the development options possible in the base Residence C-3 zone. It is the intent of this Section that these regulations will apply to a single area located at the westerly edge of Kirkland Place, north of Kirkland Street and bounded and described as follows:

Beginning at a point said point being the intersection of the westerly street line of Kirkland Place and a line 135 feet distant from and parallel to the northerly street line of Kirkland Street. Thence running westerly 90 feet to a point said point being the intersection of a line 135 feet distant from and parallel to the northerly street line of Kirkland Street and a line 90 feet distant from and parallel to the westerly street line of Kirkland Place. Thence turning and running northerly along the line 90' distant from and parallel to the westerly street line of Kirkland Place 402 feet to a point said point being the intersection of a line 90' distant from and parallel to the westerly street line of Kirkland place and the northerly lot line of lot #45 as shown on Assessors' Plat #145. Thence, turning and proceeding easterly along said northerly lot line to the northeasterly corner of said lot #45. Thence turning and running southerly along the easterly lot line of lot #45 to the intersection of the lot line and the circular part of Kirkland Place. Thence, turning and proceeding southwesterly along circular part of westerly street line of Kirkland Place approximately 62.69 feet. Thence, turning and running southerly along the western street line of Kirkland Place for a distance of approximately 327 feet, to the point of origin.

The affected premises: odd numbers 3-13 Kirkland Place, all or portions of lots numbered 21, 37, 38, 39, and 45 as shown on Assessors' Plat #145.

11.402 *General Purpose.* It is the purpose of this Section 11.400 to augment the existing zoning regulations to respond to the unique problems and pressures for change particular to the Kirkland Place area. These regulations are intended to encourage retention of buildings of historic value and enhance the established streetscape; to maintain the visual character and open space patterns; and to provide sufficient regulatory flexibility to advance the general purposes of this Section 11.402.

11.403 *Applicability*

The Kirkland Place Overlay District shall be an overlay district on the zoning map established by Section 3.20.

The buildings and land uses within said district shall be controlled by the pertinent regulations within the base zoning district, except as modified by the requirements of Section 11.400 which shall apply in addition to regulations imposed by the base zoning map designation. Where the base zoning regulations differ from requirements of this Section 11.400, the requirements of this Section shall apply. Divergence from the standards established in this Section may be allowed only by issuance of a Special Permit by the Planning Board as specified in Section 10.45. The Board may grant such a permit upon its determination that the development proposed will better serve the objectives of this Section 11.400 and that the criteria specified in Section 10.43 will be satisfied.

11.404 The Kirkland Place Overlay District shall be considered an area of special planning concern.

Development proposals listed in Subsection 11.42, Development Consultation Procedures, shall be subject to the Development Consultation Procedure specified in Section 11.40.

11.405 *Use Regulations*

Use Regulations of the Residence C-3 zoning designation shall apply in the Kirkland Place Overlay District.

11.406 *Dimensional Standards in the Kirkland Place Overlay District*

11.406.1 Floor Area Ratio.

The above ground floor area ratio shall be the same as in the A-2 zoning district. The overall floor area ratio in the Overlay District shall be 3.0. Any floor area created in excess of .5 must be completely below grade.

11.406.2 Maximum Height.

The maximum height in the Overlay District shall be 35 feet.

11.406.3 Setbacks.

Building setbacks in the Overlay District shall be the same as in the Residence A-2 zoning district.

11.406.4 Useable Open Space.

Open space requirements in the Overlay District shall be the same as in the Residence A-2 zoning district.

11.406.5 Nonconforming Structures.

Notwithstanding the provisions of Section 8.23, that portion of a legal nonconforming structure lying within the Kirkland Place Overlay District which is destroyed or damaged by fire, explosion or other catastrophe may be rebuilt or restored and used again in the same way as it had been legally used immediately before the damage, without limit as to cost of such rebuilding or restoring provided the following conditions are met:

(a) any restoration or rebuilding shall commence within twelve (12) months after the catastrophe; and

(b) the structure shall be restored or rebuilt to the same design, including materials and design details as existed previously; or should the restoration not be feasible necessitating that the structure be rebuilt to a different design, said design shall be at least equal to the origin design of the structure in quality of materials used, the quantity and quality of design details employed, and the compatibility of the site design with abutting properties;

(c) the Community Development Department shall certify to the Superintendent of Buildings that the above conditions have been met.

Should the Community Development Department find that said conditions have not been met, the restoring or rebuilding shall require a special permit from the Board of Zoning Appeal.

The restored or rebuilt structure shall in no respect increase the nonconforming nature of the original structure; nothing in this Section, however, shall prohibit a rebuilding or restoring which reduces the nonconforming nature of the original structure.

Passed to a second reading at the City Council meeting held on March 23, 1992 and on or after April 6, 1992 the question comes on passing to be ordained.

ATTEST:- Joseph E. Connarton
City Clerk

CAMBRIDGE CITY COUNCIL

CITY HALL, CAMBRIDGE, MASSACHUSETTS 02139
(617) 349-4280
FAX (617) 349-4287

Alice K. Wolf
City Councillor
Mayor
1990-1991

April 6, 1992

The Honorable, The City Council:

I intend to propose this technical amendment which is attached. It has been approved by the petitioners and the City Solicitor's Office.

Sincerely,

Alice K. Wolf
City Councillor

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Attachment

PROPOSED AMENDMENTS TO THE DOTY II PETITION

Unfinished Business #5

1. Delete Section 11.401 - Establishment and Scope, and substitute therefor the following:

11.401 Establishment and Scope. There is hereby established the Kirkland Place Overlay District which shall be governed by the Regulations and procedures specified in this Section 11.400. These regulations are intended to provide a transition between the character and scale of the abutting A-2 residential district and the development options possible in the base Residence C-3 zone. It is the intent of this Section that these regulations will apply to a single area located at the westerly edge of Kirkland Place, north of Kirkland Street. [deleting: and bounded and described as follows]

2. Add the following new part to the petition.

Amend the Zoning Map of the City of Cambridge by designating on the map as the Kirkland Place Overlay District that area bounded and described below:

Beginning at a point, said point being the intersection of the westerly street line of Kirkland Place and a line 135 feet distant from and parallel to the northerly street line of Kirkland Street. Thence running westerly 90 feet to a point, said point being the intersection of a line 135 feet distant from and parallel to the northerly street line of Kirkland Street and a line 90 distant from and parallel to the westerly side line of Kirkland Place. Thence turning and running northerly along the line 90 feet distant from and parallel to the westerly street line of Kirkland Place 402 feet to a point, said point being the intersection of a line 90 feet distant from and parallel to the westerly street line of Kirkland Place and the northerly lot line of lot #45 as shown on Assessors' Plat #145. Thence turning and proceeding easterly along said northerly lot line to the northeasterly corner of said lot #45. Thence turning and running southerly along the easterly lot line of lot #45 to the intersection of the lot line and the circular part of Kirkland Place. Thence turning and proceeding southwesterly along the circular part of the westerly street line of Kirkland Place approximately 62.69 feet. Thence turning and running southerly along the western street line of Kirkland Place for a distance of approximately 327 feet, to the point of origin.

The affected premises: odd numbers 3-13 Kirkland Place, all or portions of lots numbered 21, 37, 38, 39, and 45 as shown on Assessors' Plat #145.

VIV

9

FIRST PUBLICATION NO. 2579.

City of Cambridge

In the Year One Thousand, Nine Hundred Ninety-Two

AN ORDINANCE

In amendment to the ordinance entitled "Zoning Ordinances of the City of Cambridge."

Be it ordained by the City Council of the City of Cambridge as follows:

By adding a new Section 11.400 to be called the Kirkland Place Overlay District which shall read as follows:

11.400 KIRKLAND PLACE OVERLAY DISTRICT

11.401 *Establishment and Scope.* There is hereby established the Kirkland Place Overlay District which shall be governed by the regulations and procedures specified in this Section 11.400. These regulations are intended to provide a transition between the character and scale of the abutting A-2 residential district and the development options possible in the base Residence C-3 zone. It is the intent of this Section that these regulations will apply to a single area located at the westerly edge of Kirkland Place, north of Kirkland Street and bounded and described as follows:

Beginning at a point said point being the intersection of the westerly street line of Kirkland Place and a line 135 feet distant from and parallel to the northerly street line of Kirkland Street. Thence running westerly 90 feet to a point said point being the intersection of a line 135 feet distant from and parallel to the northerly street line of Kirkland Street and a line 90 feet distant from and parallel to the westerly street line of Kirkland Place. Thence turning and running northerly along the line 90' distant from and parallel to the westerly street line of Kirkland Place 402 feet to a point said point being the intersection of a line 90' distant from and parallel to the westerly street line of Kirkland place and the northerly lot line of lot #45 as shown on Assessors' Plat #145. Thence, turning and proceeding easterly along said northerly lot line to the northeasterly corner of said lot #45. Thence turning and running southerly along the easterly lot line of lot #45 to the intersection of the lot line and the circular part of Kirkland Place. Thence, turning and proceeding southwesterly along circular part of westerly street line of Kirkland Place approximately 62.69 feet. Thence, turning and running southerly along the western street line of Kirkland Place for a distance of approximately 327 feet, to the point of origin.

The affected premises: odd numbers 3-13 Kirkland Place, all or portions of lots numbered 21, 37, 38, 39, and 45 as shown on Assessors' Plat #145.

11.402 *General Purpose.* It is the purpose of this Section 11.400 to augment the existing zoning regulations to respond to the unique problems and pressures for change particular to the Kirkland Place area. These regulations are intended to encourage retention of buildings of historic value and enhance the established streetscape; to maintain the visual character and open space patterns; and to provide sufficient regulatory flexibility to advance the general purposes of this Section 11.402.

11.403 *Applicability*

The Kirkland Place Overlay District shall be an overlay district on the zoning map established by Section 3.20.

The buildings and land uses within said district shall be controlled by the pertinent regulations within the base zoning district, except as modified by the requirements of Section 11.400 which shall apply in addition to regulations imposed by the base zoning map designation. Where the base zoning regulations differ from requirements of this Section 11.400, the requirements of this Section shall apply. Divergence from the standards established in this Section may be allowed only by issuance of a Special Permit by the Planning Board as specified in Section 10.45. The Board may grant such a permit upon its determination that the development proposed will better serve the objectives of this Section 11.400 and that the criteria specified in Section 10.43 will be satisfied.

11.404 The Kirkland Place Overlay District shall be considered an area of special planning concern.

Development proposals listed in Subsection 11.42, Development Consultation Procedures, shall be subject to the Development Consultation Procedure specified in Section 11.40.

11.405 *Use Regulations*

Use Regulations of the Residence C-3 zoning designation shall apply in the Kirkland Place Overlay District.

11.406 *Dimensional Standards in the Kirkland Place Overlay District*

11.406.1 Floor Area Ratio.

The above ground floor area ratio shall be the same as in the A-2 zoning district. The overall floor area ratio in the Overlay District shall be 3.0. Any floor area created in excess of .5 must be completely below grade.

11.406.2 Maximum Height.

The maximum height in the Overlay District shall be 35 feet.

11.406.3 Setbacks.

Building setbacks in the Overlay District shall be the same as in the Residence A-2 zoning district.

11.406.4 Useable Open Space.

Open space requirements in the Overlay District shall be the same as in the Residence A-2 zoning district.

11.406.5 Nonconforming Structures.

Notwithstanding the provisions of Section 8.23, that portion of a legal nonconforming structure lying within the Kirkland Place Overlay District which is destroyed or damaged by fire, explosion or other catastrophe may be rebuilt or restored and used again in the same way as it had been legally used immediately before the damage, without limit as to cost of such rebuilding or restoring provided the following conditions are met:

(a) any restoration or rebuilding shall commence within twelve (12) months after the catastrophe; and

(b) the structure shall be restored or rebuilt to the same design, including materials and design details as existed previously; or should the restoration not be feasible necessitating that the structure be rebuilt to a different design, said design shall be at least equal to the origin design of the structure in quality of materials used, the quantity and quality of design details employed, and the compatibility of the site design with abutting properties;

(c) the Community Development Department shall certify to the Superintendent of Buildings that the above conditions have been met.

Should the Community Development Department find that said conditions have not been met, the restoring or rebuilding shall require a special permit from the Board of Zoning Appeal.

The restored or rebuilt structure shall in no respect increase the nonconforming nature of the original structure; nothing in this Section, however, shall prohibit a rebuilding or restoring which reduces the nonconforming nature of the original structure.

Passed to a second reading at the City Council meeting held on March 23, 1992 and on or after April 6, 1992 the question comes on passing to be ordained.

ATTEST:- Joseph E. Connarton
City Clerk

FIRST PUBLICATION NO. 2579.

City of Cambridge

In the Year One Thousand, Nine Hundred Ninety-Two

AN ORDINANCE

In amendment to the ordinance entitled "Zoning Ordinances of the City of Cambridge."

Be it ordained by the City Council of the City of Cambridge as follows:

By adding a new Section 11.400 to be called the Kirkland Place Overlay District which shall read as follows:

11.400 KIRKLAND PLACE OVERLAY DISTRICT

11.401 *Establishment and Scope.* There is hereby established the Kirkland Place Overlay District which shall be governed by the regulations and procedures specified in this Section 11.400. These regulations are intended to provide a transition between the character and scale of the abutting A-2 residential district and the development options possible in the base Residence C-3 zone. It is the intent of this Section that these regulations will apply to a single area located at the westerly edge of Kirkland Place, north of Kirkland Street and bounded and described as follows:

Beginning at a point said point being the intersection of the westerly street line of Kirkland Place and a line 135 feet distant from and parallel to the northerly street line of Kirkland Street. Thence running westerly 90 feet to a point said point being the intersection of a line 135 feet distant from and parallel to the northerly street line of Kirkland Street and a line 90 feet distant from and parallel to the westerly street line of Kirkland Place. Thence turning and running northerly along the line 90' distant from and parallel to the westerly street line of Kirkland Place 402 feet to a point said point being the intersection of a line 90' distant from and parallel to the westerly street line of Kirkland place and the northerly lot line of lot #45 as shown on Assessors' Plat #145. Thence, turning and proceeding easterly along said northerly lot line to the northeasterly corner of said lot #45. Thence turning and running southerly along the easterly lot line of lot #45 to the intersection of the lot line and the circular part of Kirkland Place. Thence, turning and proceeding southwesterly along circular part of westerly street line of Kirkland Place approximately 62.69 feet. Thence, turning and running southerly along the western street line of Kirkland Place for a distance of approximately 327 feet to the point of origin.

The affected premises: odd numbers 3-13 Kirkland Place, all or portions of lots numbered 21, 37, 38, 39, and 45 as shown on Assessors' Plat #145.

11.402 *General Purpose.* It is the purpose of this Section 11.400 to augment the existing zoning regulations to respond to the unique problems and pressures for change particular to the Kirkland Place area. These regulations are intended to encourage retention of buildings of historic value and enhance the established streetscape; to maintain the visual character and open space patterns; and to provide sufficient regulatory flexibility to advance the general purposes of this Section 11.402.

11.403 *Applicability*

The Kirkland Place Overlay District shall be an overlay district on the zoning map established by Section 3.20.

The buildings and land uses within said district shall be controlled by the pertinent regulations within the base zoning district, except as modified by the requirements of Section 11.400 which shall apply in addition to regulations imposed by the base zoning map designation. Where the base zoning regulations differ from requirements of this Section 11.400, the requirements of this Section shall apply. Divergence from the standards established in this Section may be allowed only by issuance of a Special Permit by the Planning Board as specified in Section 10.45. The Board may grant such a permit upon its determination that the development proposed will better serve the objectives of this Section 11.400 and that the criteria specified in Section 10.43 will be satisfied.

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Development proposals listed in Subsection 11.42, Development Consultation Procedures, shall be subject to the Development Consultation Procedure specified in Section 11.40.

11.405 *Use Regulations*

Use Regulations of the Residence C-3 zoning designation shall apply in the Kirkland Place Overlay District.

11.406 *Dimensional Standards in the Kirkland Place Overlay District*

11.406.1 Floor Area Ratio.

The above ground floor area ratio shall be the same as in the A-2 zoning district. The overall floor area ratio in the Overlay District shall be 3.0. Any floor area created in excess of .5 must be completely below grade.

11.406.2 Maximum Height.

The maximum height in the Overlay District shall be 35 feet.

11.406.3 Setbacks.

Building setbacks in the Overlay District shall be the same as in the Residence A-2 zoning district.

11.406.4 Useable Open Space.

Open space requirements in the Overlay District shall be the same as in the Residence A-2 zoning district.

11.406.5 Nonconforming Structures.

Notwithstanding the provisions of Section 8.23, that portion of a legal nonconforming structure lying within the Kirkland Place Overlay District which is destroyed or damaged by fire, explosion or other catastrophe may be rebuilt or restored and used again in the same way as it had been legally used immediately before the damage, without limit as to cost of such rebuilding or restoring provided the follcwing conditions are met:

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Passed to a second reading at the City Council meeting held on March 23, 1992 and on or after April 6, 1992 the question comes on passing to be ordained.

ATTEST:- Joseph E. Connarton
City Clerk

FIRST PUBLICATION NO. 2579.

City of Cambridge

In the Year One Thousand, Nine Hundred Ninety-Two

AN ORDINANCE

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11.401 *Establishment and Scope.* There is hereby established the Kirkland Place Overlay District which shall be governed by the regulations and procedures specified in this Section 11.400. These regulations are intended to provide a transition between the character and scale of the abutting A-2 residential district and the development options possible in the base Residence C-3 zone. It is the intent of this Section that these regulations will apply to a single area located at the westerly edge of Kirkland Place, north of Kirkland Street and bounded and described as follows:

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11.406.1 Floor Area Ratio.

The above ground floor area ratio shall be the same as in the A-2 zoning district. The overall floor area ratio in the Overlay District shall be 3.0. Any floor area created in excess of .5 must be completely below grade.

11.406.2 Maximum Height.

The maximum height in the Overlay District shall be 35 feet.

11.406.3 Setbacks.

Building setbacks in the Overlay District shall be the same as in the Residence A-2 zoning district.

11.406.4 Useable Open Space.

Open space requirements in the Overlay District shall be the same as in the Residence A-2 zoning district.

11.406.5 Nonconforming Structures.

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Passed to a second reading at the City Council meeting held on March 23, 1992 and on or after April 6, 1992 the question comes on passing to be ordained.

ATTEST:- Joseph E. Connarton
City Clerk

FIRST PUBLICATION NO. 2579.

City of Cambridge

In the Year One Thousand, Nine Hundred Ninety-Two

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11.400 KIRKLAND PLACE OVERLAY DISTRICT

11.401 *Establishment and Scope.* There is hereby established the Kirkland Place Overlay District which shall be governed by the regulations and procedures specified in this Section 11.400. These regulations are intended to provide a transition between the character and scale of the abutting A-2 residential district and the development options possible in the base Residence C-3 zone. It is the intent of this Section that these regulations will apply to a single area located at the westerly edge of Kirkland Place, north of Kirkland Street and bounded and described as follows:

Beginning at a point said point being the intersection of the westerly street line of Kirkland Place and a line 135 feet distant from and parallel to the northerly street line of Kirkland Street. Thence running westerly 90 feet to a point said point being the intersection of a line 135 feet distant from and parallel to the northerly street line of Kirkland Street and a line 90 feet distant from and parallel to the westerly street line of Kirkland Place. Thence turning and running northerly along the line 90' distant from and parallel to the westerly street line of Kirkland Place 402 feet to a point said point being the intersection of a line 90' distant from and parallel to the westerly street line of Kirkland place and the northerly lot line of lot #45 as shown on Assessors' Plat #145. Thence, turning and proceeding easterly along said northerly lot line to the northeasterly corner of said lot #45. Thence turning and running southerly along the easterly lot line of lot #45 to the intersection of the lot line and the circular part of Kirkland Place. Thence, turning and proceeding southwesterly along circular part of westerly street line of Kirkland Place approximately 62.69 feet. Thence, turning and running southerly along the western street line of Kirkland Place for a distance of approximately 327 feet, to the point of origin.

The affected premises: odd numbers 3-13 Kirkland Place, all or portions of lots numbered 21, 37, 38, 39, and 45 as shown on Assessors' Plat #145.

11.402 *General Purpose.* It is the purpose of this Section 11.400 to augment the existing zoning regulations to respond to the unique problems and pressures for change particular to the Kirkland Place area. These regulations are intended to encourage retention of buildings of historic value and enhance the established streetscape; to maintain the visual character and open space patterns; and to provide sufficient regulatory flexibility to advance the general purposes of this Section 11.402.

11.403 *Applicability*

The Kirkland Place Overlay District shall be an overlay district on the zoning map established by Section 3.20.

The buildings and land uses within said district shall be controlled by the pertinent regulations within the base zoning district, except as modified by the requirements of Section 11.400 which shall apply in addition to regulations imposed by the base zoning map designation. Where the base zoning regulations differ from requirements of this Section 11.400, the requirements of this Section shall apply. Divergence from the standards established in this Section may be allowed only by issuance of a Special Permit by the Planning Board as specified in Section 10.45. The Board may grant such a permit upon its determination that the development proposed will better serve the objectives of this Section 11.400 and that the criteria specified in Section 10.43 will be satisfied.

11.404 The Kirkland Place Overlay District shall be considered an area of special planning concern.

Development proposals listed in Subsection 11.42, Development Consultation Procedures, shall be subject to the Development Consultation Procedure specified in Section 11.40.

11.405 *Use Regulations*

Use Regulations of the Residence C-3 zoning designation shall apply in the Kirkland Place Overlay District.

11.406 *Dimensional Standards in the Kirkland Place Overlay District*

11.406.1 Floor Area Ratio.

The above ground floor area ratio shall be the same as in the A-2 zoning district. The overall floor area ratio in the Overlay District shall be 3.0. Any floor area created in excess of .5 must be completely below grade.

11.406.2 Maximum Height.

The maximum height in the Overlay District shall be 35 feet.

11.406.3 Setbacks.

Building setbacks in the Overlay District shall be the same as in the Residence A-2 zoning district.

11.406.4 Useable Open Space.

Open space requirements in the Overlay District shall be the same as in the Residence A-2 zoning district.

11.406.5 Nonconforming Structures.

Notwithstanding the provisions of Section 8.23, that portion of a legal nonconforming structure lying within the Kirkland Place Overlay District which is destroyed or damaged by fire, explosion or other catastrophe may be rebuilt or restored and used again in the same way as it had been legally used immediately before the damage, without limit as to cost of such rebuilding or restoring provided the following conditions are met:

(a) any restoration or rebuilding shall commence within twelve (12) months after the catastrophe; and

(b) the structure shall be restored or rebuilt to the same design, including materials and design details as existed previously; or should the restoration not be feasible necessitating that the structure be rebuilt to a different design, said design shall be at least equal to the origin design of the structure in quality of materials used, the quantity and quality of design details employed, and the compatibility of the site design with abutting properties;

(c) the Community Development Department shall certify to the Superintendent of Buildings that the above conditions have been met.

Should the Community Development Department find that said conditions have not been met, the restoring or rebuilding shall require a special permit from the Board of Zoning Appeal.

The restored or rebuilt structure shall in no respect increase the nonconforming nature of the original structure; nothing in this Section, however, shall prohibit a rebuilding or restoring which reduces the nonconforming nature of the original structure.

Passed to a second reading at the City Council meeting held on March 23, 1992 and on or after April 6, 1992 the question comes on passing to be ordained.

ATTEST:- Joseph E. Connarton
City Clerk

CITY OF CAMBRIDGE, MASSACHUSETTS

PLANNING BOARD

CITY HALL ANNEX, 57 INMAN STREET, CAMBRIDGE 02139

RECEIVED BY
OFFICE OF CITY CLERK
1992 JAN 17 PM 3:30
CAMBRIDGE MA.

NOTICE OF PUBLIC HEARING

The Planning Board of the City of Cambridge will hcld a public hearing on Tuesday, February 18, 1992 at 7:30 p.m. at the Community Development Conference Room, third floor, City Hall Annex, 57 Inman Street, Cambridge, Massachusetts on a Zoning Petition by Paul Doty, et al to amend both the text of the Zoning Ordinance and the Zoning Map of the City of Cambridge. The petition would create a new Section 11.400 - Kirkland Place Overlay District in the Zoning Ordinance and rezone an area of Kirkland Place currently designated Residence C-3 to be subject to this new Overlay District. The Overlay District would create a transition between the existing Residence C-3 dimensional regulations and those of the Residence A-2 district by restricting the above ground floor area ratio to .5, while allowing up to 3.0 FAR below grade. The building setbacks, height restrictions, and open space requirements in the Overlay District would be as required in the Residence A-2 district. The use requirments of the Residence C-3 District would be unaffected by the Overlay District. The proposed Zoning Map change is shown on the accompanying map.

Copies of this petition are on file in the Office of the City Clerk, City Hall, Cambridge, Massachusetts. Questions concerning the petition may be addressed to Lester Barber or Liza Malenfant at 349-4600.

OFFICE OF THE CITY CLERK

CITY OF CAMBRIDGE

CITY HALL, CAMBRIDGE, MASSACHUSETTS 02139

(617) 349-4260

JOSEPH E. CONNARTON
CITY CLERK

JOHN E. FLYNN
DEPUTY CITY CLERK

February 13, 1992

To Whom It May Concern:

Enclosed you will find a copy of a hearing scheduled before the Committee on Ordinances for Thursday, March 12, 1992 at 5:30 p. m. in the Sullivan Chamber, City Hall, Cambridge, Massachusetts on a petition by Paul Doty, et al to amend the Zoning Ordinances and the Zoning Map of the City of Cambridge to create a new Section 11.400 - Kirkland Place Overlay District and rezone an area of Kirkland Place currently designated Residence C-3 to be subject to this new Overlay District.

Your kind attention in this matter will be greatly appreciated.

Sincerely yours,

Joseph E. Connarton

Joseph E. Connarton
City Clerk

JEC/dl

Enc. (1)

C. C. 108

PUBLIC NOTICE
RELATIVE TO ZONING

City of Cambridge

MASSACHUSETTS

OFFICE OF THE CITY CLERK

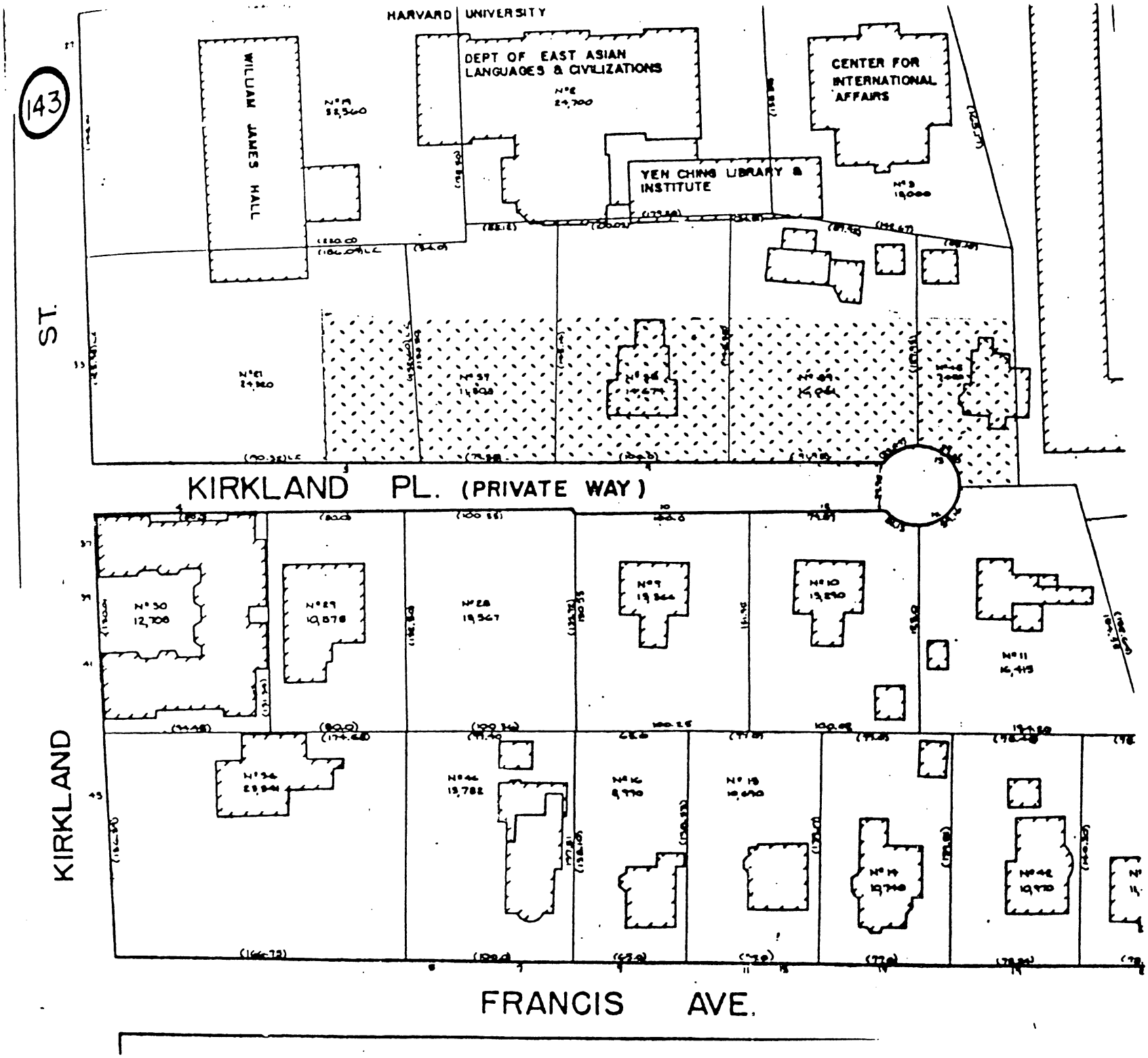
Notice is hereby given that in accordance with the provisions of Chapter 40A, Section 5 of the General Laws, Tercentenary Edition and amendments thereto, that the Committee on Ordinances, comprised of the entire membership of the City Council, will hold a public hearing on Thursday, March 12, 1992 at 5:30 p. m. in the Sullivan chamber, City Hall, Cambridge, Massachusetts on a petition by Paul Doty, et al to amend both the text of the Zoning Ordinance and the Zoning Map of the City of Cambridge. The petition would create a new Section 11.400 - Kirkland Place Overlay District in the zoning Ordinance and rezone an area of Kirkland Place currently designated Residence C-3 to be subject to this new Overlay District. The Overlay District would create a transition between the existing Residence C-3 dimensional regulations and those of the Residence A-2 district by restricting the above ground floor area ratio to .5, while allowing up to 3.0 FAR below grade. The building setbacks, height restrictions, and open space requirements in the Overlay District would be as required in the Residence A-2 district. The use requirements of the Residence C-3 District would be unaffected by the Overlay District. The proposed Zoning Map change is shown on the accompanying map.

Copies of this petition are on file in the Office of the City Clerk, City Hall, Cambridge, Massachusetts.

All persons interested in this matter may appear at this time and be heard.

For the Committee,

Councillor, Alice K. Wolf,
Chair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WILLIAM JAMES HALL
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Enc. (1)

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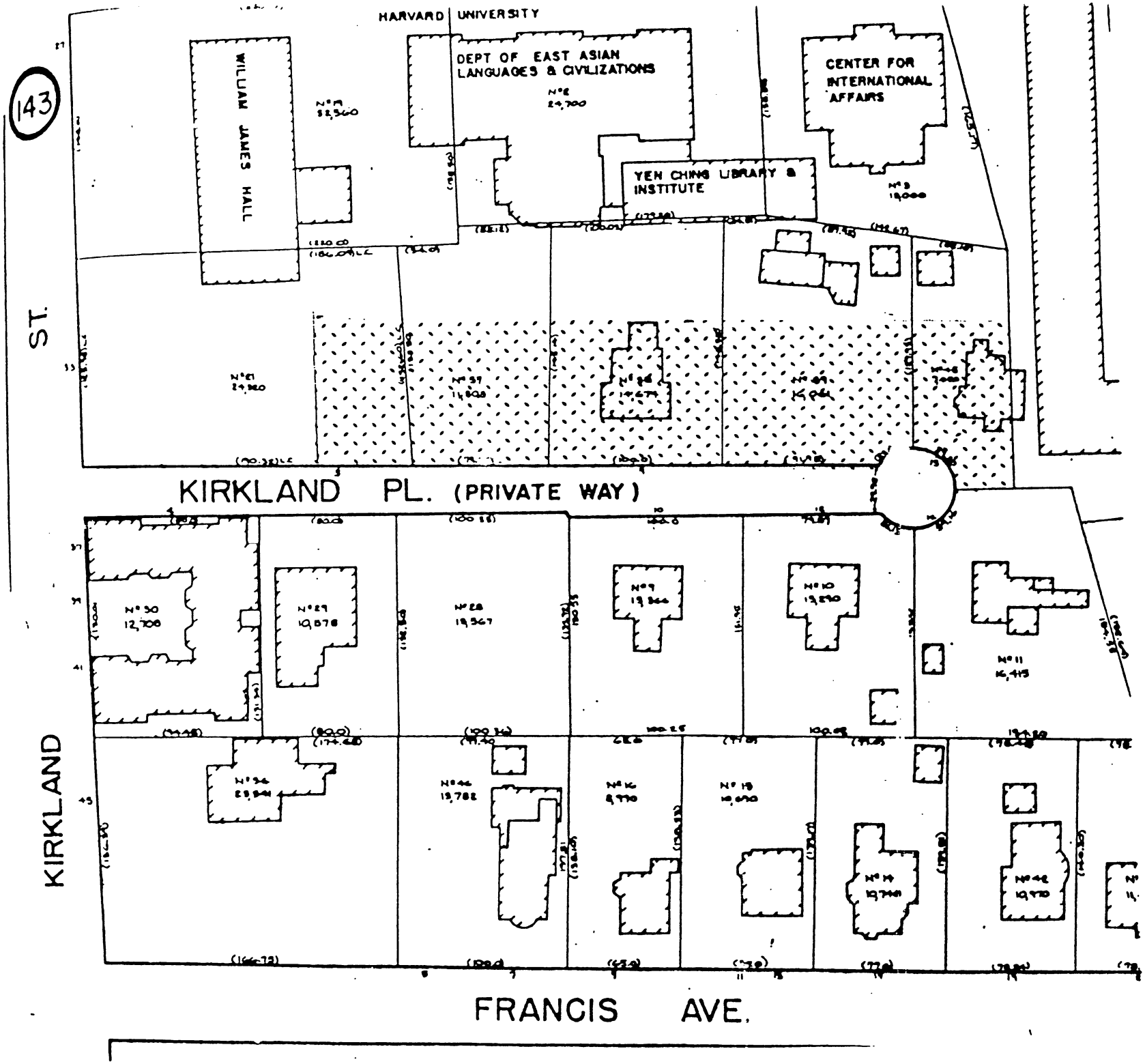
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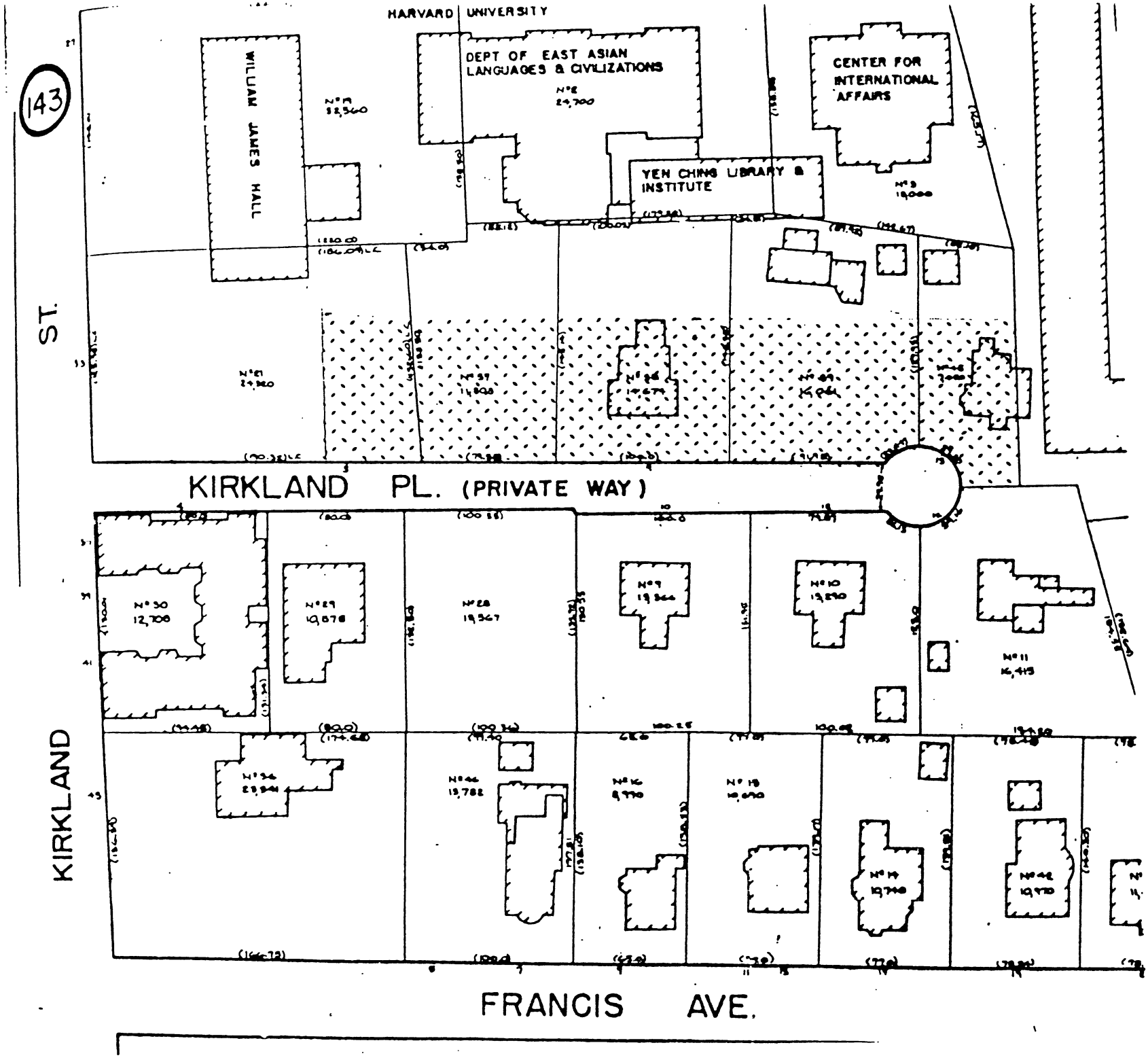
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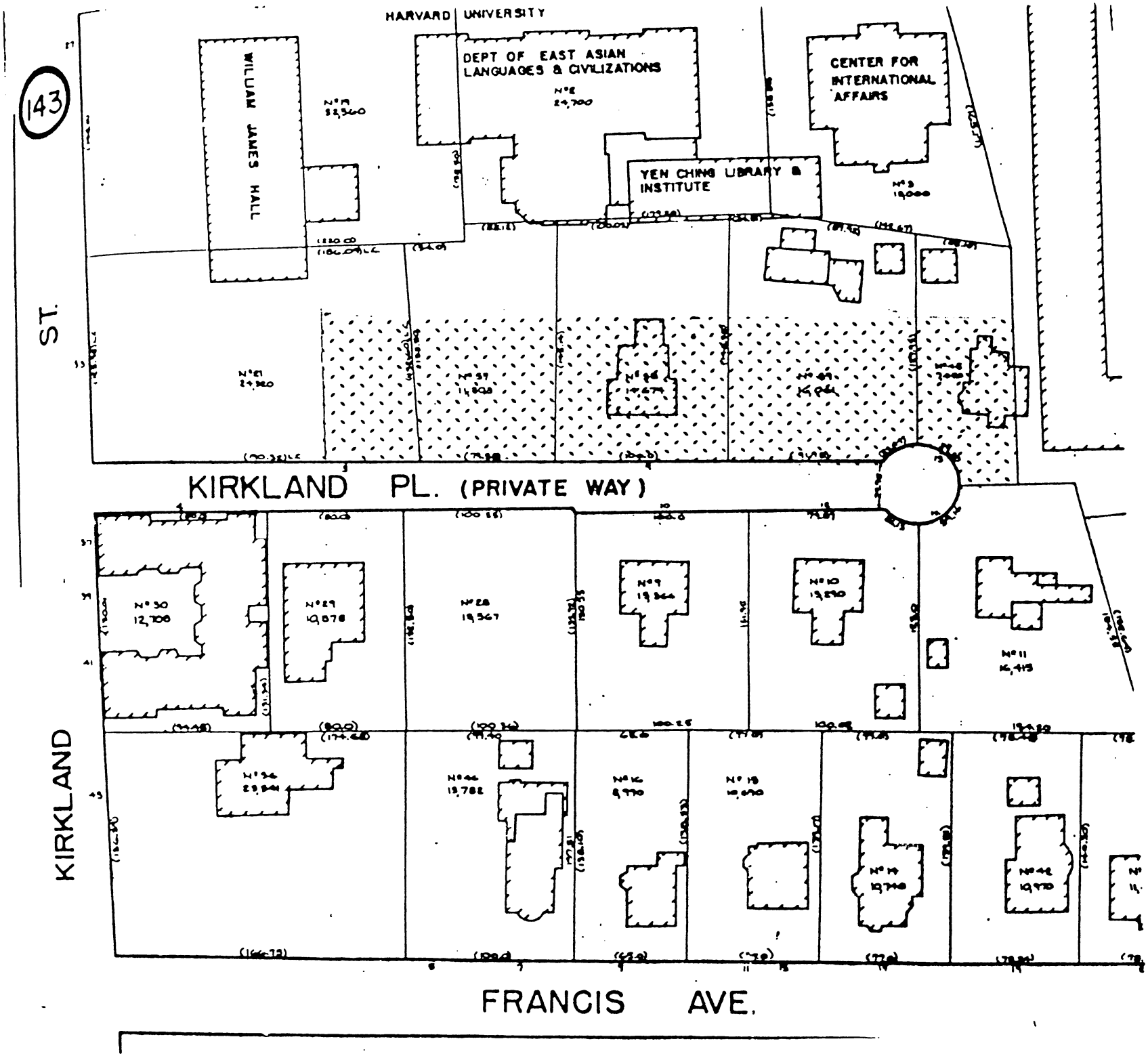
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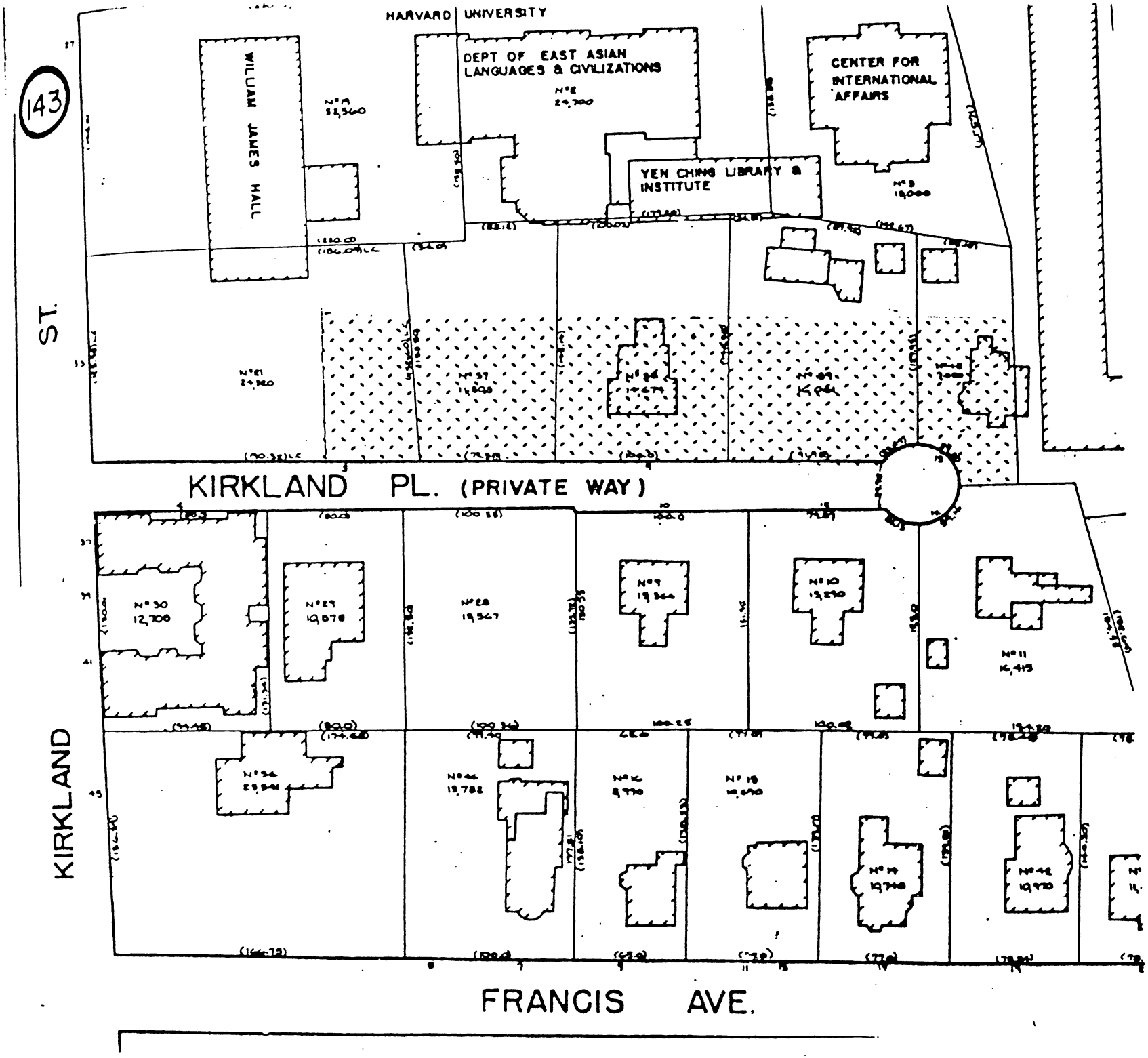
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Joseph E. Connarton
City Clerk

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Enc. (1)

C. C. 106

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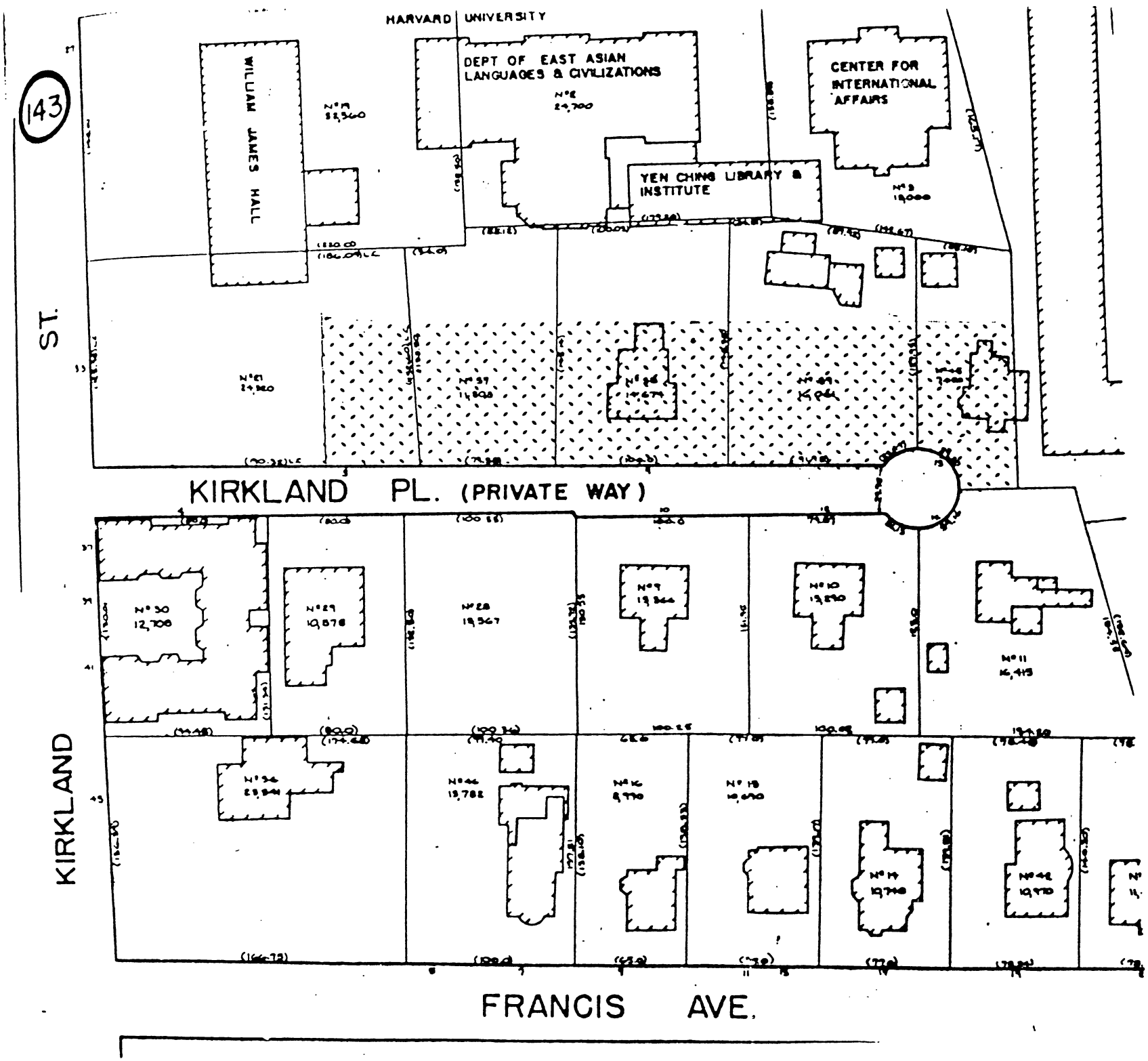
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Committee on Ordinances

Present - Councillor Alice K. Wolf - Presiding 3/12/92

(1) C. Duehay 5:38 P.M.

(2) C. Myers

(3) C. Sullivan 5:55 P.M.

(4)

C. Wolf — Opened, explained process.

Paul Doty
4 Kirkland St.
Camb. Ma.

11/20/91 we had come before Ord. Committee on earlier petition. 11 Kirkland Place property allows for ~~several large~~ 50 or 60 units of retirement residence.

Problems
- Traffic
- Character change

New proposal allows for 90' depth and will prohibit in 8 story structure

We've submitted this after consulting w/ Harvard University who owns some property

C. Wolf — Ques. Structure of zoning amendment. Can this be done w/o overlay district.

Lee Barber, Community Dev. — Creating a whole new district would be one option.

C. Myers — Ques. 50% what area effected - 20% rule

C. Dunham — Ques. institutional provision.

Lee — Existing use C-3 zone is for core institutional areas. It's my understanding that one home is used as such now and this provision would allow for that.

C. Duehay — • Character & scale
• Not to have this turned over to Harvard

" — Was this the price you have to pay for Harvards agreement?

Mr. Doty — Did not approach it that way

C. Duehay — Wonder if that's what you and other petitioners really want.

Mr. Doty — We are satisfied with gains we achieved w/ Harvard

Kathy Spiegleman
Harvard University — Supports Doty petition
Two houses w/in this petition
did become "institutional use"
We currently do not have any plans @ this time.

~~Showing~~

Hilda Doty — Two abutters did not be here but support petition.

Holman?
7 Francis Ave.

Supports petition

Margaret McKenna
12 Kirkland St Cambridge

" "
Character important do not want it changed

4 raised hands in support.

Anyone in opposition

No one appeared in opposition

Robert Chelis

Had worked up plans, who had worked on plans for 35 apartments for retirement home

C. Durham

Rumors that this property is about to be sold to someone who supports this proposal

Mr. Chelis

I don't know, I believe price has been agreed upon

5

C. Myers

Move to refer to full C/C w/ favorable recommendation

. V/V

C. Sullivan

Adj. 6:05 P.M.

Caroline Blumfield - 13 Kirkland Place
Harry and Elena Levine 14 " "

Paul Doty
4 Kirkland Place
Cambridge, MA 02138
617 864-6679

RECEIVED BY
OFFICE OF CITY CLERK
1991 DEC 31 AM 11:38
CAMBRIDGE MA.

December 31, 1991

Mr. John Flynn
City Hall
Cambridge, MA 02129

Dear Mr. Flynn:

I enclose with this letter a Petition requesting an amendment to the Cambridge Zoning Ordinance that would create a Kirkland Place Overlay District. This is defined in the petition itself and further explained in a Note that I have attached.

This petition evolved out of an earlier petition that was heard by the Committee on Ordinances on November 20, 1991. This new petition is supported by Harvard University and increases by 50% the area on the western side of Kirkland Place that was the subject of the earlier petition. Thus the whole western side of Kirkland Place would come under A-2 zoning with allowance for institutional use. If this petition were granted the historic character of Kirkland Place would be preserved and both the possibility and the incentive to add three new houses would be created. In this way the purpose of our earlier petition would be fully achieved and the residential character of all of Kirkland Place insured.

Once this new petition is given notice, the petitioners would want it to replace the earlier petition, but that earlier petition should remain on the table so that it could be reactivated in the event that this petition encounters difficulty.

I include with this Petition in addition to my Note, a large scale drawing of the newly defined District, the signatures of 35 neighbors, and the statement I made at the November 20th hearing which describes the origins of the situation which has led to the present petition.

Sincerely yours,

Paul Doty

The undersigned respectfully pray that the Cambridge Zoning Ordinance be amended as follows:

By adding a new Section 11.400 to be called the Kirkland Place Overlay District which shall read as follows:

11.400 KIRKLAND PLACE OVERLAY DISTRICT

11.401 *Establishment and Scope.* There is hereby established the Kirkland Place Overlay District which shall be governed by the regulations and procedures specified in this Section 11.400. These regulations are intended to provide a transition between the character and scale of the abutting A-2 residential district and the development options possible in the base Residence C-3 zone. It is the intent of this Section that these regulations will apply to a single area located at the westerly edge of Kirkland Place, north of Kirkland Street and bounded and described as follows:

Beginning at a point said point being the intersection of the westerly street line of Kirkland Place and a line 135 feet distant from and parallel to the northerly street line of Kirkland Street. Thence running westerly 90 feet to a point said point being the intersection of a line 135 feet distant from and parallel to the northerly street line of Kirkland Street and a line 90 feet distant from and parallel to the westerly street line of Kirkland Place. Thence turning and running northerly along the line 90' distant from and parallel to the westerly street line of Kirkland Place 402 feet to a point said point being the intersection of a line 90' distant from and parallel to the westerly street line of Kirkland place and the northerly lot line of lot #45 as shown on Assessors' Plat #145. Thence, turning and proceeding easterly along said northerly lot line to the northeasterly corner of said lot #45. Thence turning and running southerly along the easterly lot line of lot #45 to the intersection of the lot line and the circular part of Kirkland Place. Thence, turning and proceeding southwesterly along circular part of westerly street line of Kirkland Place approximately 62.69 feet. Thence, turning and running southerly along the western street line of Kirkland Place for a distance of approximately 327 feet, to the point of origin.

The affected premises: odd numbers 3-13 Kirkland Place, all or portions of lots numbered 21, 37, 38, 39, and 45 as shown on Assessors' Plat #145.

11.402 *General Purpose.* It is the purpose of this Section 11.400 to augment the existing zoning regulations to respond to the unique problems and pressures for change particular to the Kirkland Place area. These regulations are intended to encourage retention of buildings of historic value and enhance the established streetscape; to maintain the visual character and open space patterns; and to provide sufficient regulatory flexibility to advance the general purposes of this Section 11.402.

11.403 *Applicability*

The Kirkland Place Overlay District shall be an overlay district on the zoning map established by Section 3.20.

The buildings and land uses within said district shall be controlled by the pertinent regulations within the base zoning district, except as modified by the requirements of Section 11.400 which shall apply in addition to regulations imposed by the base zoning map designation. Where the base zoning regulations differ from requirements of this Section 11.400, the requirements of this Section shall apply. Divergence from the standards established in this Section may be allowed only by issuance of a Special Permit by the Planning Board as specified in Section 10.45. The Board may grant such a permit upon its determination that the development proposed will better serve the objectives of this Section 11.400 and that the criteria specified in Section 10.43 will be satisfied.

11.404 The Kirkland Place Overlay District shall be considered an area of special planning concern.

Development proposals listed in Subsection 11.42, Development Consultation Procedures, shall be subject to the Development Consultation Procedure specified in Section 11.40.

11.405 *Use Regulations*

Use Regulations of the Residence C-3 zoning designation shall apply in the Kirkland Place Overlay District.

11.406 *Dimensional Standards in the Kirkland Place Overlay District*

11.406.1 Floor Area Ratio.

The above ground floor area ratio shall be the same as in the A-2 zoning district. The overall floor area ratio in the Overlay District shall be 3.0. Any floor area created in excess of .5 must be completely below grade.

11.406.2 Maximum Height.

The maximum height in the Overlay District shall be 35 feet.

11.406.3 Setbacks.

Building setbacks in the Overlay District shall be the same as in the Residence A-2 zoning district.

11.406.4 Useable Open Space.

Open space requirements in the Overlay District shall be the same as in the Residence A-2 zoning district.

11.406.5 Nonconforming Structures.

Notwithstanding the provisions of Section 8.23, that portion of a legal nonconforming structure lying within the Kirkland Place Overlay District which is destroyed or damaged by fire, explosion or other catastrophe may be rebuilt or restored and used again in the same way as it had been legally used immediately before the damage, without limit as to cost of such rebuilding or restoring provided the following conditions are met:

(a) any restoration or rebuilding shall commence within twelve (12) months after the catastrophe; and

(b) the structure shall be restored or rebuilt to the same design, including materials and design details as existed previously; or should the restoration not be feasible necessitating that the structure be rebuilt to a different design, said design shall be at least equal to the origin design of the structure in quality of materials used, the quantity and quality of design details employed, and the compatibility of the site design with abutting properties;

(c) the Community Development Department shall certify to the Superintendent of Buildings that the above conditions have been met.

Should the Community Development Department find that said conditions have not been met, the restoring or rebuilding shall require a special permit from the Board of Zoning Appeal.

The restored or rebuilt structure shall in no respect increase the nonconforming nature of the original structure; nothing in this Section, however, shall prohibit a rebuilding or restoring which reduces the nonconforming nature of the original structure.

Notes on the Kirkland Place Overlay District Petition

Paul Doty - Dec. 22, 1991

According to my understanding of the Overlay Petition our original Petition would be replaced by this one. Harvard University would support the new Overlay Petition, whereas it had not been asked to support the original one.

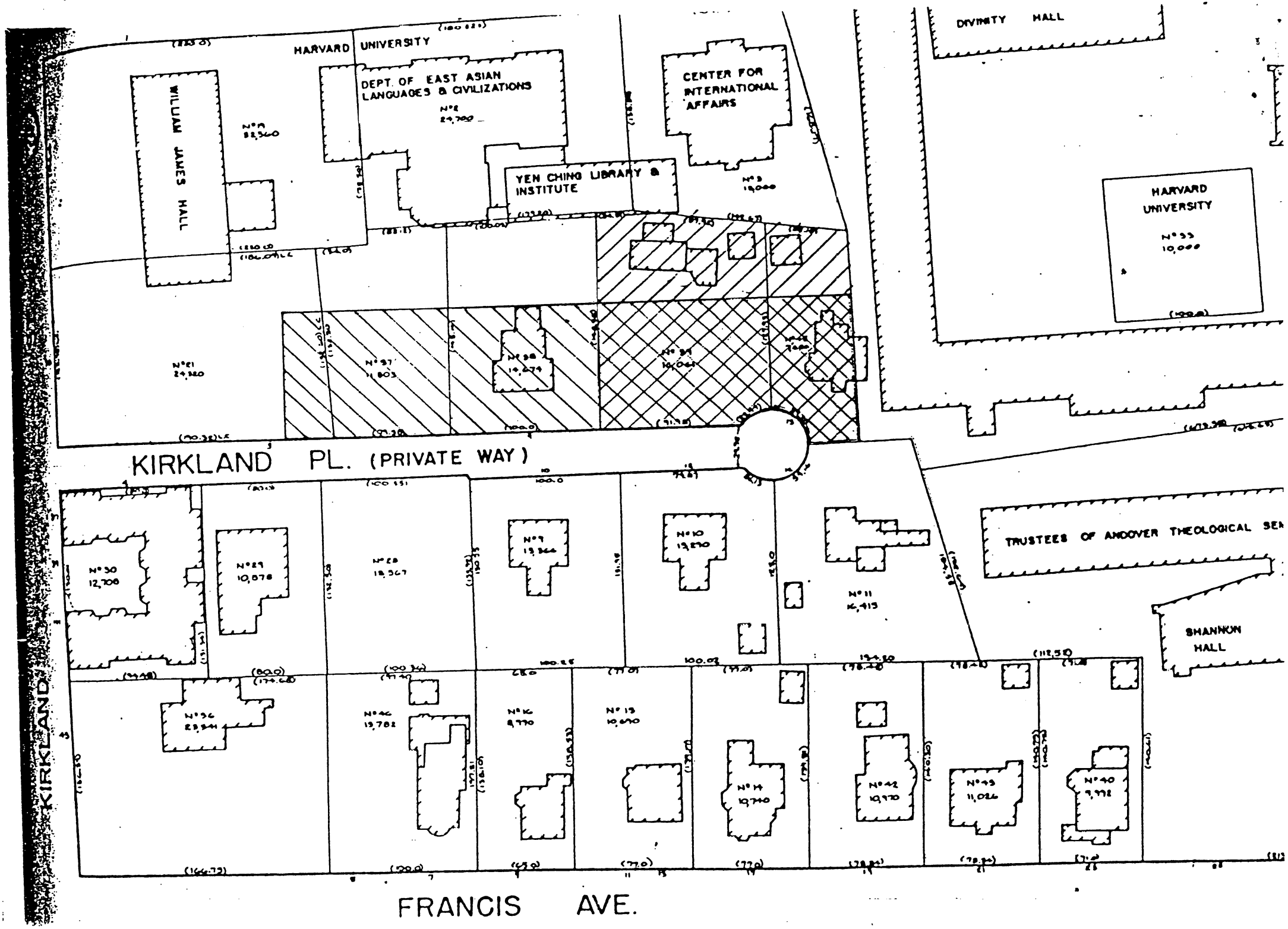
1. The two lots (Nos. 11 and 13) specified in the original Petition are replaced by a larger area that includes 63% of the two lots (those portions which abut Kirkland Place) and extends southward along Kirkland Place terminating 100 feet inside the present parking lot of William James Hall. The new area is 50% larger than that of the two lots specified in our original petition: it extends 90 feet back from the edge of Kirkland Place and is 402 feet in length. Both areas are shown on the attached map.

2. The strip of land beyond the 90 foot deep "overlay" (that is, the strip about 50 feet in width lying west of the "overlay") would remain zoned as C-3. It includes the residence at No. 11 and the garage at No. 13. Under this proposal the residence at No. 11 could be used institutionally by its future owners.

3. The new Overlay District would provide lots of approximately 10,000 sq. feet each which could be used for building residences of the size and general appearance as those already on Kirkland Place, that is 3-story buildings about 40 x 40 feet. These could be used as residences or institutionally as No. 9, formerly Provost Buck's house, is now. Any building beyond this amount would have to be entirely underground. The new buildings would have to meet the setback and open space requirements of A-2 zoning. Finally, the right of rebuilding any structure damaged by fire is permitted if it is in the same size and style.

It seems obvious that the Overlay District prevents the building of any building larger than the size of those presently on Kirkland Place in the front part of No. 11 and thereby meets our original aim. In addition it provides the same protection to the remainder of Kirkland Place, more than twice the frontage specified in our original Petition and envisages retrieving a significant part of the William James Parking lot. Hence, the new petition removes the threat of a large building not only at No. 11 but anywhere on the whole western

side of Kirkland Place. Furthermore, it provides two building sites for residence-like buildings on 10,000 sq. foot lots that may be used as homes and allows for a spacious pedestrian-way. Thus, the new Overlay Petition goes well beyond the intent of our original petition and redefines the border area between Kirkland Place and the University in a way that both protects and enlarges the residential neighborhood area of Kirkland Place and west to Francis and Irving Streets.


HARVARD UNIVERSITY
WILLIAM JAMES HALL
DEPT. OF EAST ASIAN LANGUAGES & CIVILIZATIONS
CENTER FOR INTERNATIONAL AFFAIRS
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HARVARD UNIVERSITY
KIRKLAND PL. (PRIVATE WAY)
TRUSTEES OF ANDOVER THEOLOGICAL SEM
SHANNON HALL
KIRKLAND ST.
FRANCIS AVE.

Presentation to Cambridge City Council Hearing
Nov. 20, 1991

I am Paul Doty living at 4 Kirkland Place since 1955. Until retiring last year I had been on the faculty of Harvard for 42 years.

Our petition asks for a downzoning of the properties at 11 and 13 Kirkland Place in order to prevent the development of a high rise apartment that would destroy the neighborhood on Kirkland Place. When my family moved to Kirkland Place there were 7 family residences: now there are 5. If 11 Kirkland Place were put to other use there would be only 4. If Kirkland Place, which could accommodate 9 family houses, were to become dominated instead with a high rise apartment bringing in 3 to 4 times as many people as live here now, the character of Kirkland Place would be so radically altered that it could no longer be a neighborhood and its historical nature would be lost.

The existing restrictions on 11 Kirkland Place zoned as C-3 would allow an apartment of 6,000 sq. ft. floor area and 8 stories to be built. The traffic congestion that such a building would generate is so great that it is difficult to imagine. Kirkland Place is a narrow Private Way only 17 feet curb-to-curb. With some cars always parked on one side, only 11 feet remain for two way traffic which is essential since it is a dead-end street. At present egress is often blocked so that cars have to back up to accommodate incoming vehicles. With up to 80 persons residing in a high rise apartment together with their cars, their visitors and services, chaos would result.

The few opponents of this petition are likely to charge that we are asking for spot zoning. However, this cannot be the case for several reasons. First, before the city-wide rezoning of 1960 both sides of Kirkland Place were zoned as A-2. What we ask is a partial reversal of this ill-conceived action, that is to restore the earlier situation by extending A-2 zoning around the end of Kirkland Place and back down the western side. Second, this enlargement of existing A-2 zoning covers the only two properties that are subject to extensive development since they could be sold to developers by their present owners. Third, the down-zoning we request is not for an isolated area in the midst of differently zoned surroundings, but for an extension continuous with the A-2 zoning on the eastern side

that goes half way around the circle at the end of Kirkland Place. Thus our request is not for spot zoning but rather the restoration of the earlier zoning that had made a neighborhood possible and which is contiguous with that which remains zoned as A-2.

An examination of the street plan shows that it would be highly desirable for the two lots south of 11 Kirkland Place to be returned to A-2 zoning as well. This would then completely restore that situation before 1960. These two lots are owned by Harvard and discussions are now underway to see if they might be included. If such an agreement could be reached before the Planning Board hearing, we would revise our petition or enter a new one. Were this not to occur we would urge the granting of the present petition as it is the only way to prevent a very lovely and historically important but very fragile neighborhood from going extinct.

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CITY OF CAMBRIDGE, MASSACHUSETTS

PLANNING BOARD

CITY HALL ANNEX, 57 INMAN STREET, CAMBRIDGE 02139

March 6, 1992

To the Honorable, the City Council:

SUBJECT: Planning Board Recommendation on the Doty II, et al Rezoning Petition: Residence C-3 modified by the new Kirkland Place Overlay District.

Recommendation

The Planning Board recommends adoption of the petition as filed.

Findings

1. Kirkland Place is currently divided between two zoning districts: on the east side of the street a Residence A-2 District, a very low density single family residential zone, controls future development while on the west side of the street a Residence C-3 District, the most dense multifamily and institutional district in the city, regulates future development. The centerline of the street divides these two very different districts, with no adequate transitional requirements imposed.

2. The Board finds that the proposed Kirkland Place Overlay District would afford the transitional protection appropriate between the current Residence C-3 District which allows for unlimited height and a 3.0 Floor Area Ratio and the Residence A-2 district across the street which restricts future development to 35 feet in height and a Floor Area Ratio of .5.

3. The easterly side of Kirkland Place consists of residential dwellings on large lots consistent with the Residence A-2 applicable there. The west side of the street, which would be affected by the Overlay District, is developed similarly with homes on large lots or with vacant lots which could be

substantially redeveloped to very dense residential or institutional uses quite inappropriate to the character of the easterly side of Kirkland Place.

4. Kirkland Place is a private way which is a cul de sac not well suited to serving high density development possible under the current, unmodified Residence C-3 zoning designation.

5. The Kirkland Place Overlay District would allow for continuing and expanded institutional use in the Residence C-3 district but would restrict the amount of development allowed in the Overlay District area such that, in density and scale visible above ground, future development would more closely resemble the residential development on the eastern side of the street.

6. In a city as complex as Cambridge, it is important to maintain adequate transitions between differing uses and densities of development where they occur close together. It is difficult to devise one single mechanism to achieve that goal. The solution proposed here is a reasonable and effective one for the particular circumstances encountered and may serve as a precedent for addressing the issue in somewhat different circumstances in other areas of the city.

Public Hearing

On February 18, 1992, the Planning Board held a public hearing regarding the Doty II, et al Petition. The petitioner, Dr. Paul Doty, presented the petition outlining the possible size and shape of potential development in the Residence C-3 district and how it might impact the residences on the easterly side of Kirkland Place, a cul de sac. The concerns of the abutters centered on the height and the density allowed under the current zoning dimensional regulations, rather than the potential institutional use of the property at some point in the future. He also indicated that the current ownership of the affected properties, both institutional and private, was not a problem. Mr. Doty indicated that the expected new owner of the private parcel of land which was recently put up for sale, and on which the potential of high density development was explored, has not expressed opposition to the petition, but has no standing at the moment to comment on the proposal. That lot is expected to continue in single family use for the immediate future

Kathy Spiegelman of the Harvard Planning Office explained the position of the Harvard University as the principal westerly abutting land owner. At the moment the University has no plans to purchase or to expand in the area but would like to keep open the option of future institutional development in the proposed overlay district area.

The Board asked about the creation of such a small overlay district and whether it was the smallest to date. It was pointed out that it was but that it may become a precedent for providing transitional regulations between high and low density districts elsewhere in the city.

Statements were heard in support of the petition from abutting property owners. There were no statements in opposition.

PUBLIC NOTICE
RELATIVE TO ZONING
CITY OF CAMBRIDGE
MASSACHUSETTS
OFFICE OF THE CITY CLERK

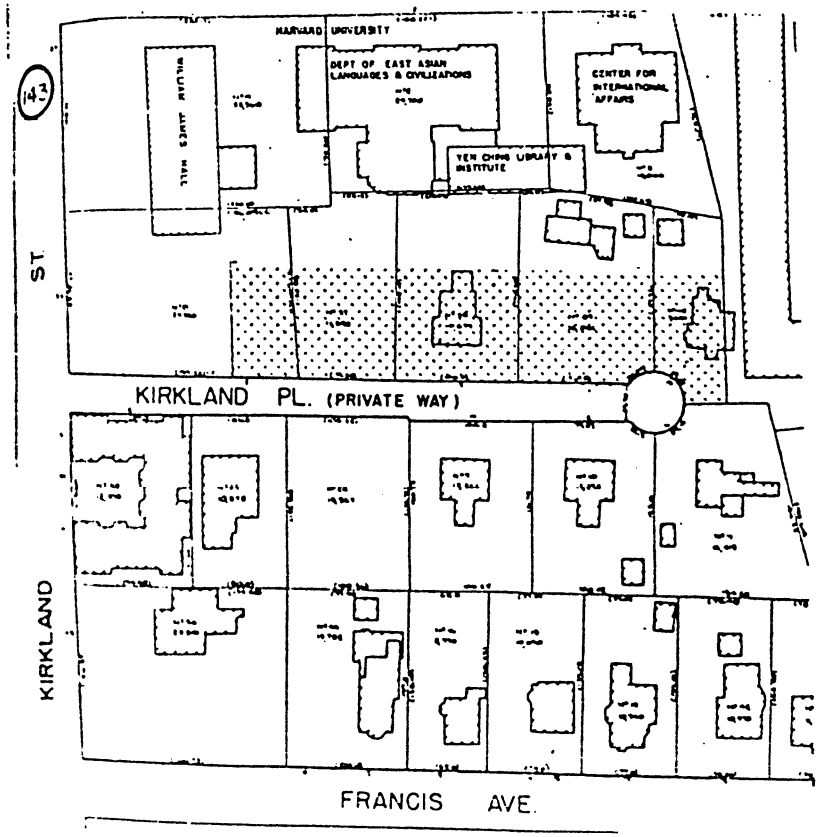
Notice is hereby given that in accordance with the provisions of Chapter 40A, Section 5 of the General Laws, Tercentenary Edition and amendments thereto, that the Committee on Ordinances, comprised of the entire membership of the City Council, will hold a public hearing on Thursday, March 12, 1992 at 5:30 p.m. in the Sullivan chamber, City Hall, Cambridge, Massachusetts on a petition by Paul Doty, et al to amend both the text of the Zoning Ordinance and the Zoning Map of the City of Cambridge. The petition would create a new Section 11.400 - Kirkland Place Overlay District in the zoning Ordinance and rezone an area of Kirkland Place currently designated Residence C-3 to be subject to this new Overlay District. The Overlay District would create a transition between the existing Residence C-3 dimensional regulations and those of the Residence A-2 district by restricting the above ground floor area ratio to .5, while allowing up to 3.0 FAR below grade. The building setbacks, height restrictions, and open space requirements in the Overlay District would be as required in the Residence A-2 district. The use requirements of the Residence C-3 District would be unaffected by the Overlay District. The proposed Zoning Map change is shown on the accompanying map.

Copies of this petition are on file in the Office of the City Clerk, City Hall, Cambridge, Massachusetts.

All persons interested in this matter may appear at this time and be heard.

For the Committee,
Councillor, Alice K. Wolf,
Chair

(C)Feb.20,27
#6983



COMMONWEALTH OF MASSACHUSETTS
Middlesex, ss. **Probate Court**
Case No. 92A0071-T1

To **Mary Muise Rossi** of Malden in said County and **Robert Rossi** of parts unknown, represented to be the parents and to the alleged father of parts unknown of **Nichole Theresa Cohen,** a minor child received by the Department of Social Services, Division of Child Guardianship, under the provisions of General Laws, Chapter 119, Section 26. A petition has been presented to said court by Gerald Robinson, Commissioner, Division of Family and Children's Services, Department of Social Services, Commonwealth of Massachusetts, praying that the Court establish that the consent of said parents shall not be required upon a petition for adoption of said minor sponsored by your petitioner, as provided by the General Laws, Chapter 210, Section 3, as most recently amended.

If you desire to object thereto, you or your attorney should file a written appearance in said Court at Cambridge before ten o'clock in the forenoon on the 4th day of May 1992, the return day of this citation.

Witness, Sheila E. McGovern, Esquire, First Judge of said Court, this 6th day of February 1992.

Donna M. Lambert
Register

(C)Feb.20,27,March5
#6968

COMMONWEALTH OF MASSACHUSETTS
THE TRIAL COURT
THE PROBATE AND
FAMILY COURT DEPARTMENT
PROBATE OF WILL WITHOUT SURETIES
Middlesex Division **Docket No. 92P0273E**
Estate of **Sabina McCalgue**
also known as **Sadie McCalgue**
died December 21, 1991
late of **Cambridge**
in the County of **Middlesex**
NOTICE

A petition has been presented in the above-captioned matter praying that a certain instrument purporting to be the last will of said deceased may be proved and allowed and that **Joan M. Viola** of Woburn in the County of Middlesex be appointed executrix without giving surety on her bond.

If you desire to object to the allowance of said petition, you or your attorney must file a written appearance in said Court at Cambridge on or before 10:00 in the forenoon on March 9, 1992.

In addition you must file a written affidavit of objections to the petition, stating the specific facts and grounds upon which the objection is based, within (30) days after the return day (or such other time as the Court, on motion with notice to the petitioner, may allow) in accordance with Probate Rule 16.

Witness, Sheila E. McGovern, Esquire, First Justice of said Court at Cambridge, the seventh day of February in the year of our Lord one thousand nine hundred and ninety-two.

Donna M. Lambert
Register of Probate

(C)Feb.20
#5751

COMMONWEALTH OF MASSACHUSETTS
THE TRIAL COURT
THE PROBATE AND FAMILY COURT
DEPARTMENT
PROBATE OF WILL WITHOUT SURETIES
Middlesex Division **Docket No. 91P5539E**

Estate of **Ivernia R. St. John**
also known as Ivernia G. St. John
died on October 4, 1991
late of **Cambridge**
in the County of Middlesex
NOTICE

A petition has been presented in the above-captioned matter praying that a certain instrument purporting to be the last will of said deceased may be proved and allowed and that **Barbara A. Bowers** of Medford in the County of Middlesex be appointed executrix without giving surety on her bond.

If you desire to object to the allowance of said petition, you or your attorney must file a written appearance in said Court at Cambridge on or before 10:00 in the forenoon on March 3, 1992.

In addition you must file a written affidavit of objections to the petition, stating the specific facts and grounds upon which the objection is based, within (30) days after the return day (or such other time as the Court, on motion with notice to the petitioner, may allow) in accordance with Probate Rule 16.

Witness, Sheila E. McGovern, Esquire, First Justice of said Court at Cambridge, the fourth day of February in the year of our Lord one thousand nine hundred and ninety two.

Donna M. Lambert
Register of Probate

(C)Feb.20
#6996

COMMONWEALTH OF MASSACHUSETTS
LAND COURT
DEPARTMENT OF THE TRIAL COURT
(Seal) **Case No. 174421**

To **Robert Keith Sawyer** and to all persons entitled to the benefit of the Soldiers' and Sailors' Civil Relief Act of 1940 as amended:

Asheville Federal Savings and Loan Association with a usual mailing address of P.O. Box 652, 11 Church Street, Asheville, NC 28802 claiming to be the holder of a mortgage covering real property in **Cambridge, numbered as 166 5th Street, Cambridge, MA 02141** given by Robert Keith Sawyer to Coolidge Bank and Trust Company dated July 16, 1986 and recorded at Middlesex South Registry of Deeds in Book 17205, Page 579 has filed with said court a complaint for authority to foreclose said mortgage in the manner following: by entry and possession and exercise of power of sale.

If you are entitled to the benefits of the Soldiers' and Sailors' Civil Relief Act of 1940 as amended and you object to such foreclosure you or your attorney should file a written appearance and answer in said court at Boston on or before the 16th day of March 1992, or you may be forever barred from claiming that such foreclosure is invalid under said act.

Witness, John E. Fenton, Jr., Chief Justice of said Court this 31st day of January 1992.

Charles W. Trombly, Jr.
Recorder

(C)Feb.20
#5753

COMMONWEALTH OF MASSACHUSETTS
Middlesex, ss. **Probate Court**
No. 228327

NOTICE OF FIDUCIARY'S ACCOUNT

To all persons interested in the estate of **Philip W. Davis** late of **Cambridge**, in said County, deceased.

You are hereby notified pursuant to Mass. R.Civ.P. Rule 72 that the 1st and 2nd accounts of Kenneth W. Thomson and David W. Lewis, Junior as Trustees (the fiduciaries) under the will of said deceased for the benefit of William White and others have been presented to said Court for allowance.

If you desire to preserve your right to file an objection to said accounts, you or your attorney must file a written appearance in said Court at Cambridge on or before the 9th day of March, 1992, the return day of this citation. You may upon written request by registered or certified mail to the fiduciaries, or to the attorney for the fiduciaries, obtain without cost a copy of said accounts. If you desire to object to any item of said accounts, you must, in addition to filing a written appearance as aforesaid, file within thirty days after said return day or within such other time as the Court upon motion may order a written statement of each such item together with the grounds for each objection thereto, a copy to be served upon the fiduciaries pursuant to Mass. R.Civ.P. Rule 5.

Witness, Sheila E. McGovern, Esquire, First Judge of said Court, this 5th day of February, 1992.

Donna M. Lambert
Register

(C)Feb.20
#6994

COMMONWEALTH OF MASSACHUSETTS
THE TRIAL COURT
THE PROBATE AND FAMILY COURT
Middlesex, ss **Docket No. 91P4202A**

GENERAL PETITION NOTICE

To all persons interested in the estate of **John H, McDermott** late of **Cambridge** in the County of Middlesex, a petition has been presented to said Court by **Eleanora Janusis** of Boston in the county of Suffolk and Mary Smiley of Fayetteville in the state of North Carolina praying that this Honorable Court vacate the appointment of the Co-Administrators; that the Petition for Administration be dismissed and that the decree be revoked, and that the Court permit the filing of a new Petition for Administration which is attached to a General Petition filed January 30, 1992,naming Richard H. Steinberg as Administrator.

If you desire to object to the allowance of said petition you or your attorney must file a written appearance in said Court at Cambridge on or before March 2, 1992.

Witness, Sheila E. McGovern, Esquire, First Justice of said Court at Cambridge this third day of February 1992.

Donna M. Lambert
Register of Probate Court

(C)Feb.20
#6993

COMMONWEALTH OF MASSACHUSETTS
Middlesex, ss. **Probate Court**
Case No. 92A0017-T1

To **Nora Lee Coughlin** of Somerville in said County and to the alleged father of parts unknown of **Jessica Mary Coughlin** also known as Jessica Mary Kelley, a minor child received by the Department of Social Services, Division of Child Guardianship, under the provisions of General Laws, Chapter 119, Section 23. A petition has been presented to said court by Gerald Robinson, Commissioner Division of Family and Children's Services, Department of Social Services, Commonwealth of Massachusetts, praying that the Court establish that the consent of said Nora Lee Coughlin and to the alleged father shall not be required upon a petition for adoption of said minor sponsored by your petitioner, as provided by the General Laws, Chapter 210, Section 3, as most recently amended.

If you desire to object thereto, you or your attorney should file a written appearance in said Court at Cambridge before ten o'clock in the forenoon on the 20th day of April 1992, the return day of this citation.

Witness, Sheila E. McGovern, Esquire, First Judge of said Court, this 4th day of February 1992.

Donna M. Lambert
Register

(C)Feb.20,27,March5
#6988

COMMONWEALTH OF MASSACHUSETTS
Middlesex, ss. **Probate Court**
Case No. 92A0053-T1

To **Deborah Hawkins** of Tewksbury in said County and to the alleged father of parts unknown of **Freedom Alice Hawkins, also known as Freedom Hawkins,** a minor child received by the Department of Social Services, Division of Child Guardianship, under the provisions of General Laws, Chapter 119, Section 23. A petition has been presented to said court by Gerald Robinson, Commissioner, Division of Family and Children's Services, Department of Social Services, Commonwealth of Massachusetts, praying that the Court establish that the consent of said mother and alleged father shall not be required upon a petition for adoption of said minor sponsored by your petitioner, as provided by the General Laws, Chapter 210, Section 3, as most recently amended.

If you desire to object thereto, you or your attorney should file a written appearance in said Court at Cambridge before ten o'clock in the forenoon on the 28th day of April 1992, the return day of this citation.

Witness, Sheila E. McGovern, Esquire, First Judge of said Court, this 4th day of February 1992.

Donna M. Lambert
Register

(C)Feb.20,27,March5
#6966

COMMONWEALTH OF MASSACHUSETTS
Middlesex, ss. **Probate Court**
Case No. 92A0056-T1

To **Ethel Bregoli** of Somerville in said County represented to be the mother of **Jessica Lee Bregoli,** a minor child received by the Department of Social Services, Division of Child Guardianship, under the provisions of General Laws, Chapter 119, Section 26. A petition has been presented to said court by Gerald Robinson, Commissioner Division of Family and Children's Services, Department of Social Services, Commonwealth of Massachusetts, praying that the Court establish that the consent of said mother shall not be required upon a petition for adoption of said minor sponsored by your petitioner, as provided by the General Laws, Chapter 210, Section 3, as most recently amended.

If you desire to object thereto, you or your attorney should file a written appearance in said Court at Cambridge before ten o'clock in the forenoon on the 29th day of April 1992, the return day of this citation.

Witness, Sheila E. McGovern, Esquire, First Judge of said Court, this 6th day of February 1992.

Donna M. Lambert
Register

(C)Feb.20,27,March5
#6987

COMMONWEALTH OF MASSACHUSETTS
THE TRIAL COURT
THE PROBATE AND FAMILY COURT
DEPARTMENT
PROBATE OF WILL WITHOUT SURETIES
Middlesex Division **Docket No. 92P0512E**

Estate of **Alfred S. Priddey**
also known as Alfred Priddey
died **Dec. 14, 1991**
late of **Cambridge**
in the County of **Middlesex**
NOTICE

A petition has been presented in the above-captioned matter praying that a certain instrument purporting to be the last will of said deceased may be proved and allowed and that **Amina Derbali** of Cambridge in the County of Middlesex be appointed executrix without giving surety on her bond.

If you desire to object to the allowance of said petition, you or your attorney must file a written appearance in said Court at Cambridge on or before 10:00 in the forenoon on March 5, 1992.

In addition you must file a written affidavit of objections to the petition, stating the specific facts and grounds upon which the objection is based, within (30) days after the return day (or such other time as the Court, on motion with notice to the petitioner, may allow) in accordance with Probate Rule 16.

Witness, Sheila E. McGovern, Esquire, First Justice of said Court at Cambridge, the sixth day of February in the year of our Lord one thousand nine hundred and ninety two.

Donna M. Lambert
Register of Probate

(C)Feb.20
#6980

HUMAN SERVICES
COMMUNITY DEVELOPMENT
BLOCK GRANT (CDBG)
PUBLIC HEARING

On February 26, 1992 at 6:00 p.m. the Commission for Human Service Programs, in conjunction with Department of Human Services' staff, will conduct a public hearing on the **Fiscal Year 1993 Human Services/CDBG spending plan. The** purpose of the hearing is to solicit input on human service needs and gaps in services in the city of Cambridge. This input will be used to direct the Commission in its development of a FY '93 CDBG spending plan. The City anticipates $471,000 in CDBG Human Service funds for FY '93. The emphasis of the public hearing is to explore service areas that are underrepresented in the current spending plan. Expenditures by service type in the current (FY '92) spending plan are as follows: Emergency Food & Shelter, Housing - 38%; Services to Linguistic Minority Residents - 26.5%; Elder Services - 10%; Teen Services - 10%; Family Support - 7 %; Domestic Violence - 3%; and Administration - 5.5%. The Public Hearing will be held at City Hall Annex, 57 Inman Street, third floor conference room. For more information about the public hearing call Gloria Darafshi at 349-6200.

(C)Feb.20
#6741

COMMONWEALTH OF MASSACHUSETTS
LAND COURT
DEPARTMENT OF THE TRIAL COURT
(Seal) **Case No. 174358**

To **M. Ilse Oliveira** and to all persons entitled to the benefit of the Soldiers' and Sailors' Civil Relief Act of 1940 as amended:

Foster Mortgage Corporation, a Louisiana Corporation, claiming to be the holder by assignment of a mortgage covering real property in **Cambridge, Middlesex County, Massachusetts known as Unit 104, 104-106-108 Jackson Street Condominium, 104 Jackson Street** given by M. Ilse Oliveira to Progressive Consumers Federal Credit Union dated January 13, 1989, recorded at Middlesex South District Deeds, Book 19594, Page 138 has filed with said court a complaint for authority to foreclose said mortgage in the manner following: by entry and possession and exercise of power of sale.

If you are entitled to the benefits of the Soldiers' and Sailors' Civil Relief Act of 1940 as amended and you object to such foreclosure you or your attorney should file a written appearance and answer in said court at Boston on or before the 16th day of March 1992, or you may be forever barred from claiming that such foreclosure is invalid under said act.

Witness, John E. Fenton, Jr., Chief Justice of said Court this 31st day of January 1992.

Charles W. Trombly, Jr.
Recorder

(C)Feb.20
#6746

CITY OF CAMBRIDGE
PURCHASING DEPARTMENT

Sealed proposals will be received at the Office of the Purchasing Agent, Room 303, City Hall, Cambridge, Mass., until 11:00 o'clock A.M. Thursday, March 5, 1992 at which time and place they will be publicly opened and read for furnishing the following to the City of Cambridge.

Ophthalmic Blades
Sera Control Service
Drafting and Art Supplies

See proposal for bid deposit.

The City of Cambridge reserves the right to waive any informalities or to reject any or all proposals.

Specifications may be obtained at the Office of the Purchasing Agent, Room 303, City Hall, Cambridge, Mass.

Each proposal must be in a sealed envelope plainly marked "Proposal for 'Designate Item' " and addressed to Barbara L. Duffy, Purchasing Agent, City Hall, Cambridge, Massachusetts.

Barbara L. Duffy
Purchasing Agent

(C)Feb.20
#6745

COMMONWEALTH OF MASSACHUSETTS
Middlesex, ss. **Probate Court**
Case No. 92A0069-T1

To **Sherrie Fernandez** of Everett in said County and the alleged father of parts unknown, represented to be the mother and alleged father of **Michael Anthony Ray Fernandez,** a minor child received by the Department of Social Services, Division of Child Guardianship, under the provisions of General Laws, Chapter 119, Section 24. A petition has been presented to said court by Gerald Robinson, Commissioner, Division of Family and Children's Services, Department of Social Services, Commonwealth of Massachusetts, praying that the Court establish that the consent of said mother and alleged father shall not be required upon a petition for adoption of said minor sponsored by your petitioner, as provided by the General Laws, Chapter 210, Section 3, as most recently amended.

If you desire to object thereto, you or your attorney should file a written appearance in said Court at Cambridge before ten o'clock in the forenoon on the 4th day of May 1992, the return day of this citation.

Witness, Sheila E. McGovern, Esquire, First Judge of said Court, this 6th day of February 1992.

Donna M. Lambert
Register

(C)Feb.20
#6744

COMMONWEALTH OF MASSACHUSETTS
THE TRIAL COURT
THE PROBATE AND FAMILY COURT
DEPARTMENT
PROBATE OF WILL WITHOUT SURETIES
Middlesex Division **Docket No. 92P0367E**

Estate of **Mollie St. Martin**
died **Nov. 30, 1991**
late of **Cambridge**
in the County of Middlesex
NOTICE

A petition has been presented in the above-captioned matter praying that a certain instrument purporting to be the last will of said deceased may be proved and allowed and that **Marcel St. Martin** of Cambridge in the County of Middlesex be appointed executor without giving surety on his bond.

If you desire to object to the allowance of said petition, you or your attorney must file a written appearance in said Court at Cambridge on or before 10:00 in the forenoon on April 23, 1992.

In addition you must file a written affidavit of objections to the petition, stating the specific facts and grounds upon which the objection is based, within (30) days after the return day (or such other time as the Court, on motion with notice to the petitioner, may allow) in accordance with Probate Rule 16.

Witness, Sheila E. McGovern, Esquire, First Justice of said Court at Cambridge, the thirtieth day of January in the year of our Lord one thousand nine hundred and ninety-two.

Donna M. Lambert
Register of Probate

(C)Feb.19
#6930

COMMONWEALTH OF MASSACHUSETTS
Middlesex, ss. **Probate Court**
Case No. 92A0070-T1

To **Sherrie Fernandez** of Everett in said County and the alleged father of parts unknown, represented to be the mother and alleged father of **Madonna Louise Fernandez,** a minor child received by the Department of Social Services, Division of Child Guardianship, under the provisions of General Laws, Chapter 119, Section 24. A petition has been presented to said court by Gerald Robinson, Commissioner, Division of Family and Children's Services, Department of Social Services, Commonwealth of Massachusetts, praying that the Court establish that the consent of said mother and alleged father shall not be required upon a petition for adoption of said minor sponsored by your petitioner, as provided by the General Laws, Chapter 210, Section 3, as most recently amended.

If you desire to object thereto, you or your attorney should file a written appearance in said Court at Cambridge before ten o'clock in the forenoon on the 4th day of May 1992, the return day of this citation.

Witness, Sheila E. McGovern, Esquire, First Judge of said Court, this 6th day of February 1992.

Donna M. Lambert
Register

(C)Feb.20
#6743

CITY OF CAMBRIDGE
BOARD OF LICENSE COMMISSIONERS

Notice is hereby given under General Laws, Chapter 138, as amended that Dartmouth Breweries, Inc. d/b/a **33 Dunster Street, Jim Lee,** manager, holder of an all alcoholic beverages as a restaurant license, 2 a.m. closing, at **33 Dunster** Street has applied for a change of manager from Jim Lee to Gary F. Gut.

The hearing on this application will be held on Tuesday evening, February 25, 1992, at six o'clock, in the Michael J. Lombardi Municipal Building, 2nd floor, 831 Massachusetts Avenue, Cambridge.

Alex Rodriguez
Kevin Fitzgerald
Henry Breen
License Commission

(C)Feb.20
#6982

COMMONWEALTH OF MASSACHUSETTS
Plymouth, ss. **Probate Court**
Case No. 92A0005-T1

To **Evelyn Dennison** of Brockton, Plymouth County, **Kenneth G. Dennison** formerly of Somerville, County of Middlesex, and to the alleged father of a minor child born to Evelyn Dennison, formerly of Hyde Park, both now of parts unknown.

A petition has been presented to said Court by the Massachusetts Department of Social Services, praying that said Court will establish under the provisions of Chapter 210, Section 3, as most recently amended by Chapter 552 of the Act of 1978, whether or not your consent shall be required on a petition for adoption of your minor child sponsored by said Department of Social Services.

If you desire to object thereto you or your attorney should file a written appearance in said Court at Plymouth before ten o'clock in the forenoon on the nineteenth day of March 1992, the return day of this citation.

Witness, James R. Lawton, Esquire, First Judge of said Court, this sixth day of February 1992.

John J. Daley
Register

(C)Feb.20,27,March5
#6972

COMMONWEALTH OF MASSACHUSETTS
Middlesex, ss. **Probate Court**
Case No. 92A0068-T1

To **Jacque Lynn Simmons** of Medford and the alleged father of parts unknown represented to be the mother and alleged father of **Eric Joseph Simmons,** a minor child received by the Department of Social Services, Division of Child Guardianship, under the provisions of General Laws, Chapter 119, Section 26, a petition has been presented to said court by Gerald Robinson, Commissioner Division of Family and Children's Services, Department of Social Services, Commonwealth of Massachusetts, praying that the Court establish that the consent of said mother and alleged father shall not be required upon a petition for adoption of said minor sponsored by your petitioner, as provided by the General Laws, Chapter 210, Section 3, as most recently amended.

If you desire to object thereto, you or your attorney should file a written appearance in said Court at Cambridge before ten o'clock in the forenoon on the 4th day of May 1992, the return day of this citation.

Witness, Sheila E. McGovern, Esquire, First Judge of said Court, this 6th day of February 1992.

Donna M. Lambert
Register

(C)Feb.20,27,March5
#6969

COMMONWEALTH OF MASSACHUSETTS
Middlesex, ss. **Probate Court**
Case No. 92A0052-T1

To **Kristina Rogers** of Everett in said County and **Michael Brandt** of parts unknown, represented to be the parents and to the alleged father of parts unknown of **Karla Kassandra Rogers,** a minor child received by the Department of Social Services, Division of Child Guardianship, under the provisions of General Laws, Chapter 119, Section 26. A petition has been presented to said court by Gerald Robinson, Commissioner, Division of Family and Children's Services, Department of Social Services, Commonwealth of Massachusetts, praying that the Court establish that the consent of said parents and the alleged father shall not be required upon a petition for adoption of said minor sponsored by your petitioner, as provided by the General Laws, Chapter 210, Section 3, as most recently amended.

If you desire to object thereto, you or your attorney should file a written appearance in said Court at Cambridge before ten o'clock in the forenoon on the 7th day of May 1992, the return day of this citation.

Witness, Sheila E. McGovern, Esquire, First Judge of said Court, this 7th day of February 1992

Donna M. Lambert
Register

(C)Feb.20,27,March5
#6969

Older alcoholics step forward to solve problems

"Do I look like an alcoholic?" asked each of six well-dressed senior citizens who walked to the front of the room at the Somerville Senior Center.

Each answered, "I am an alcoholic," and told his or her story to 75 Cambridge and Somerville human services professionals attending a Community Elder Care Forum on "Alcohol & Other Drug Issues Among the Elderly." The recent forum was sponsored by Somerville-Cambridge Elder Services, Somerville Council on Aging, Cambridge Council on Aging, and Heritage Hospital.

"We're not bad people becoming good people. We're sick people trying to become well people. This is a community illness, not just my illness," said Bob, a member of the cast of The Improbable Players - The Next Generation.

The performance was put on by recovering seniors to help break through the secrecy and denial common among older alcoholics. The stories ranged from that of Jeanne, who at five was given a glass of wine by her grandfather each day before kindergarten, to that of Isabel, who began drinking in her 30s to deal with insomnia.

The players showed the effects of their drinking through sketches from their own lives. Bob, a copywriter for a Manhattan ad agency went from three-Martini lunches to drunken behavior that included dyeing his hair red and then shaving it off to resemble an Easter egg.

The Improbable Players are recovering alcoholics who have been sober for many years. Joan, who began drinking as a naive 18-year-old at a teachers college, is now a drug and alcohol clinician at Kit Clark Senior House in Dorchester. "The bottom line is that older people do recover," Joan said.

Recovery can happen throug counseling, rehabilitation, Alcoholics Anonymous, or detoxification centers.

When asked how members of the community could help, Joan said, "You've got to find them and tell them it's OK to talk about alcohol."

The forum was moderated by Jeanne Martin, training supervisor at Mt. Auburn Hospital Prevention & Training Center.

About 2 to 10 percent of elderly people are alcoholics, while 10 percent of the people in treatment for substance abuse are over 65.

Robert R. Belisle, director of counseling services at Heritage Hospital, discussed some of the specialized services for people over 60 at the hospital, including the Geriatric Alcohol and Drug Dependency Program and an intensive outpatient program.

CAMBRIDGE HISTORICAL COMMISSION

Notice is hereby given that a public hearing will be held on Thursday, March 5, at 4:00 PM in the third floor conference room at the City Hall Annex, 57 Inman Street, to consider the following matters under M.G.L. Ch. 40C and the Ordinances governing the Cambridge Historical Commission.

4:00 P.M. For Certificates of Appropriateness:

Case 413: **City Hall, 795 Massachusetts Avenue** (continued). City of Cambridge. Provide skylights, roof vents, handicapped access and parking in conjunction with general renovations.

Case 425: **96 Winthrop Street** (continued). Genoveve Macmillan. Construct addition on rear building.

Case 427: **8 Berkeley Street.** Jeff Zinsmeyer and Shanti Fry. Raze existing garage and build new garage.

5:20 P.M. For review of demolition under Ordinance 965:

Case D-516: **Haggerty School, 122 Cushing Street.** City of Cambridge. Demolish school, 1914.

William B. King
Chairman

(C)Feb.20,27
#6760

COMMONWEALTH OF MASSACHUSETTS
Middlesex, ss. **Probate and Family Court**
No. 92P0741A

NOTICE OF PETITION FOR
ADMINISTRATION WITHOUT SURETIES
Estate of **Anthone Jaruszevicz**
died December 30, 1991
late of **Cambridge**
in the County of **Middlesex**
NOTICE

A petition has been presented in the above-captioned matter praying that **Joseph Z. Jaroslewicz** of Cambridge in the County of Middlesex or some other suitable person be appointed administrator of the estate of said deceased without surety on his bond.

If you desire to object to the allowance of said petition, you or your Attorney should file a written appearance in said Court at Cambridge on or before March 11, 1992.

Witness, Sheila E. McGovern, Esquire, First Judge of said Court at Cambridge the eleventh day of February in the year of our Lord one thousand nine hundred and ninety-two.

Donna M. Lambert
Register of Probate Court

(C)Feb.20
#6762

COMMONWEALTH OF MASSACHUSETTS
Middlesex, ss. **Probate Court**
Case No. 92A0065-T1

To the alleged father of Marlborough in said County of Baby Girl Place also known as **Amanda Place and Amanda Rose Place,** a minor child received by the Department of Social Services, Division of Child Guardianship, under the provisions of General Laws, Chapter 119, section 26. A petition has been presented to said court by Gerald Robinson, Commissioner Division of Family and Children's Services, Department of Social Services, Commonwealth of Massachusetts, praying that the Court establish that the consent of said alleged father shall not be required upon a petition for adoption of said minor sponsored by your petitioner, as provided by the General Laws, Chapter 210, Section 3, as most recently amended.

If you desire to object thereto, you or your attorney should file a written appearance in said Court at Cambridge before ten o'clock in the forenoon on the 1st day of May 1992, the return day of this citation.

Witness, Sheila E. McGovern, Esquire, First Judge of said Court, this 6th day of February 1992.

Donna M. Lambert
Register

(C)Feb.20,27,March5
#6990

COMMONWEALTH OF MASSACHUSETTS
Plymouth, ss. **Probate Court**
Case No. 92A0086-T1

To **Evelyn Dennison** of Brockton,County of Plymouth, **Kenneth G. Dennison** formerly of Somerville, now of parts unknown, and to the alleged father of a minor child born to Evelyn Dennison of parts unknown.

A petition has been presented to said Court by the Massachusetts Department of Social Services, praying that said Court will establish under the provisions of Chapter 210, Section 3, as most recently amended by Chapter 552 of the Act of 1978, whether or not your consent shall be required on a petition for adoption of your minor child sponsored by said Department of Social Services.

If you desire to object thereto you or your attorney should file a written appearance in said Court at Plymouth before ten o'clock in the forenoon on the nineteenth day of March 1992, the return day of this citation.

Witness, James R. Lawton, Esquire, First Judge of said Court, this sixth day of February 1992.

John J. Daley
Register

(C)Feb.20,27,March5
#6970

COMMONWEALTH OF MASSACHUSETTS
Plymouth, ss. **Probate Court**
Case No. 92A0087-T1

To **Evelyn Dennison** of Brockton, Plymouth County, **Kenneth G. Dennison** formerly of Somerville, County of Middlesex, and to the alleged father of a minor child born to Evelyn Dennison of parts unknown.

A petition has been presented to said Court by the Massachusetts Department of Social Services, praying that said Court will establish under the provisions of Chapter 210, Section 3, as most recently amended by Chapter 552 of the Act of 1978, whether or not your consent shall be required on a petition for adoption of your minor child sponsored by said Department of Social Services.

If you desire to object thereto you or your attorney should file a written appearance in said Court at Plymouth before ten o'clock in the forenoon on the nineteenth day of March 1992, the return day of this citation.

Witness, James R. Lawton, Esquire, First Judge of said Court, this sixth day of February 1992.

John J. Daley
Register

(C)Feb.20,27,March5
#6971

COMMONWEALTH OF MASSACHUSETTS
Middlesex ss. **Probate Court**
No. 92D0117D1

Mahkame Khoshyaran Plaintiff
vs.
Yakup Darama Defendant

To the above-named Defendant:

A complaint has been presented to this Court by your spouse, Mahkame Khoshyaran, seeking divorce for irretrievable breakdown of marriage.

You are required to serve upon Eliza C. Klein, plaintiff's attorney, whose address is 59 Temple Place, Suite 1106, Boston MA 02111 your answer on or before April 13, 1992. If you fail to do so, the Court will proceed to the hearing and adjudication of this action. You are also required to file a copy of your answer in the office of the Register of this Court at Cambridge.

Witness, Sheila E. McGovern, Esq., First Judge of said Court at Cambridge.
February 3, 1992

Donna M. Lambert
Register of Probate

(C)Feb.20,27,March5
#6399

COMMONWEALTH OF MASSACHUSETTS
Middlesex, ss. **Probate Court**
Case No. 92A0091-T1

To **Nadine Lee Griffin** of Everett in said County and to **Richard Dennis Fraser** of parts unknown, represented to be the parents of **Richard Dennis Fraser, Jr.,** a minor child received by the Department of Social Services, Division of Child Guardianship, under the provisions of General Laws, Chapter 119, Section 23. A petition has been presented to said court by Gerald Robinson, Commissioner, Division of Family and Children's Services, Department of Social Services, Commonwealth of Massachusetts, praying that the Court establish that the consent of said parents shall not be required upon a petition for adoption of said minor sponsored by your petitioner, as provided by the General Laws, Chapter 210, Section 3, as most recently amended.

If you desire to object thereto, you or your attorney should file a written appearance in said Court at Cambridge before ten o'clock in the forenoon on the seventeenth day of April 1992, the return day of this citation.

Witness, Sheila E. McGovern, Esquire, First Judge of said Court, this tenth day of February 1992.

Donna M. Lambert
Register

(C)Feb.20,27,March5
#6973

COMMONWEALTH OF MASSACHUSETTS
Middlesex, ss. **Probate Court**
Case No. 92A0090-T1

To **Nadine Lee Griffin** of Everett in said County and to **Richard Dennis Fraser** of parts unknown, represented to be the parents of **Randy William Fraser,** a minor child received by the Department of Social Services, Division of Child Guardianship, under the provisions of General Laws, Chapter 119, Section 23. A petition has been presented to said court by Gerald Robinson, Commissioner, Division of Family and Children's Services, Department of Social Services, Commonwealth of Massachusetts, praying that the Court establish that the consent of said parents shall not be required upon a petition for adoption of said minor sponsored by your petitioner, as provided by the General Laws, Chapter 210, Section 3, as most recently amended.

If you desire to object thereto, you or your attorney should file a written appearance in said Court at Cambridge before ten o'clock in the forenoon on the seventeenth day of April 1992, the return day of this citation.

Witness, Sheila E. McGovern, Esquire, First Judge of said Court, this tenth day of February 1992.

Donna M. Lambert
Register

(C)Feb.20,27,March5
#6967

COMMONWEALTH OF MASSACHUSETTS
LAND COURT
DEPARTMENT OF THE TRAIL COURT
(SEAL)

Case No. 173828

To **Michael C. Lally,** Trustee of the Family Trust, u/d/t dated March 27, 1991, recorded at Book 21076 Page 157 and to all persons entitled to the benefit of the Soldiers' and Sailors' Civil Relief Act of 1940 as amended: Federal Home Loan Mortgage Corporation claiming to be the holder of a mortgage covering real property in **Cambridge,** MA numbered **103 Inman Street** given by Michael C. Lally to Comfed Savings Bank, dated January 27, 1988 recorded with the Middlesex Southern District Registry of Deeds at Book 11847, Page 304, and now held by the plaintiff by assignment has filed with said court a complaint for authority to foreclose said mortgage in the manner following: by entry and possession and exercise of power of sale.

If you are entitled to the benefits of the Soldiers' and Sailors' Civil Relief Act of 1940 as amended and you object to such foreclosure you or your attorney should file a written appearance and answer in said court at Boston on or before the 9th day of March 1992, or you may be forever barred from claiming that such foreclosure is invalid under said act.

Witness, John E. Fenton, Jr., Chief Justice of said Court this 23rd day of January 1992.

Charles w. Trombly, Jr.
Recorder

(C)Feb.20
#7200

COMMONWEALTH OF MASSACHUSETTS
Middlesex, ss. Probate Court
No. 228327

NOTICE OF FIDUCIARY'S ACCOUNT

To all persons interested in the estate of **Philip W. Davis** late of **Cambridge,** in said County, deceased.

You are hereby notified pursuant to Mass. R.Civ.P. Rule 72 that the 15th thru 19th and final accounts of **Kenneth W. Thomson** as Trustee (the fiduciary) under the will of said deceased for the benefit of William White and others have been presented to said Court for allowance.

If you desire to preserve your right to file an objection to said accounts, you or your attorney must file a written appearance in said Court at Cambridge on or before the 9th day of March, 1992, the return day of this citation. You may upon written request by registered or certified mail to the fiduciary, or to the attorney for fiduciary, obtain without cost a copy of said accounts. If you desire to object to any item of said accounts, you must, in addition to filing a written appearance as aforesaid, file within thirty days after said return day or within such other time as the Court upon motion may order a written statement of each such item together with the grounds for each objection thereto, a copy to be served upon the fiduciary pursuant to Mass. R.Civ.P. Rule 5.

Witness, Sheila E. McGovern, Esquire, First Judge of said Court, this 5th day of February, 1992.

Donna M. Lambert
Register

(C)Feb.20
#6995

COMMONWEALTH OF MASSACHUSETTS
Middlesex, ss. Probate Court
Case No. 92A0055-T1

To **Ethel Bregoli** of **Somerville** in said County represented to be the mother of **Jennifer Marie Bregoli,** a minor child received by the Department of Social Services, Division of Child Guardianship, under the provisions of General Laws, Chapter 119, Section 26. A petition has been presented to said court by Gerald Robinson, Commissioner Division of Family and Children's Services, Department of Social Services, Commonwealth of Massachusetts, praying that the Court establish that the consent of said mother shall not be required upon a petition for adoption of said minor sponsored by your petitioner, as provided by the General Laws, Chapter 210, Section 3, as most recently amended.

If you desire to object thereto, you or your attorney should file a written appearance in said Court at Cambridge before ten o'clock in the forenoon on the 29th day of April 1992, the return day of this citation.

Witness, Sheila E. McGovern, Esquire, First Judge of said Court, this 6th day of February 1992.

Donna M. Lambert
Register

(C)Feb.20,27,March5
#6991

COMMONWEALTH OF MASSACHUSETTS
LAND COURT
DEPARTMENT OF THE TRAIL COURT
(SEAL)

Case No. 174844

To **Antonio B. Rodene;** Celanie Rodene and to all persons entitled to the benefit of the Soldier's and Sailors' Civil Relief Act of 1940 as amended: First Eastern Mortgage Corporation claiming to be the holder of a mortgage covering real property in **Cambridge, numbered 214-216 Elm Street** given by Antonio B. Rodene and Celanie Rodene to First Eastern Mortgage Corporation, dated December 10, 1990 and recorded at **Middlesex County** (Southern District) Registry of Deeds in Book 20916, Page 290 has filed with said court a complaint for authority to foreclose said mortgage in the manner following: by entry and possession and exercise of power of sale.

If you are entitled to the benefits of the Soldiers' and Sailors' Civil Relief Act of 1940 as amended and you object to such foreclosure you or your attorney should file a written appearance and answer in said court at Boston on or before the 23rd day of March 1992, or you may be forever barred from claiming that such foreclosure is invalid under said act.

Witness, John E. Fenton, Jr., Chief Justice of said Court this 7th day of February 1992.

Charles W. Trombly, Jr.
Recorder

(C)Feb.20
#6981

COMMONWEALTH OF MASSACHUSETTS
Middlesex, ss. Probate Court
Case No. 92A0054-T1

To **Deborah Hawkins** of Tewksbury in said County and to the alleged father of parts unknown of **Jessy Lynn Margaret Hawkins,** a minor child received by the Department of Social Services, Division of Child Guardianship, under the provisions of General Laws, Chapter 119, Section 23. A petition has been presented to said court by Gerald Robinson, Commissioner, Division of Family and Children's Services, Department of Social Services, Commonwealth of Massachusetts, praying that the Court establish that the consent of said mother and alleged father shall not be required upon a petition for adoption of said minor sponsored by your petitioner, as provided by the General Laws, Chapter 210, Section 3, as most recently amended.

If you desire to object thereto, you or your attorney should file a written appearance in said Court at Cambridge before ten o'clock in the forenoon on the 28th day of April 1992, the return day of this citation.

Witness, Sheila E. McGovern, Esquire, First Judge of said Court, this 4th day of February 1992.

Donna M. Lambert
Register

(C)Feb.20,27,March5
#6965

COMMONWEALTH OF MASSACHUSETTS
THE TRIAL COURT
THE PROBATE AND
FAMILY COURT DEPARTMENT
PROBATE OF WILL WITHOUT SURETIES
Middlesex Division Docket No. 92P0502E
Estate of Damley D. Innis
also known as Damley DeCosta Innis
died Oct. 20, 1991
late of **Cambridge**
in the County of **Middlesex**

NOTICE

A petition has been presented in the above-captioned matter praying that a certain instrument purporting to be the last will of said deceased may be proved and allowed and that **Lillian B. Spooner** of Cambridge in the County of Middlesex be appointed executrix without giving surety on her bond.

If you desire to object to the allowance of said petition, you or your attorney must file a written appearance and answer in said Court at Cambridge on or before 10:00 in the forenoon on March 4, 1992.

In addition you must file a written affidavit of objections to the petition, stating the specific facts and grounds upon which the objection is based, within (30) days after the return day (or such other time as the Court, on motion with notice to the petitioner, may allow) in accordance with Probate Rule 16.

Witness, Sheila E. McGovern, Esquire, First Justice of said Court at Cambridge, the fifth day of February in the year of our Lord one thousand nine hundred and ninety-two.

Donna M. Lambert
Register of Probate

(C)Feb.20
#6749

OFFICE OF THE SCHOOL COMMITTEE
456 BROADWAY
CAMBRIDGE, MASSACHUSETTS 02139

Sealed proposals will be received at the Office of the Manager of Procurement, 159 Thorndike Street, Cambridge, Massachusetts 02141, until March 11, 1991 at 11:00 A.M. at which time they will be publicly opened and read for:

Stock Supplies, Bulk Paper, Basic, Elementary, & Secondary Art Supplies

Specifications and forms of proposals will be available at the Office of the Manager of Procurement on and after Thursday, February 20, 1992.

Attention is called to requirements for equal opportunity employment on part of vendors. The department encourages participation in this bid of minority and women owned businesses.

Mary Lou McGrath
Superintendent of Schools

(C)Feb.20
#6740

NOTICE
DEMOCRATS TO CAUCUS STATEWIDE

Registered Democrats in **Ward 3,** Cambridge will be holding a caucus on Saturday, February 29, 1992 at 2:00 P.M. to elect delegates to the 1992 Massachusetts Democratic Convention.

Ward 3, Cambridge will be electing 7 delegates and 4 alternates, equally divided between men and women, to send to the Convention. The apportionment number of delegates has been allocated on the basis of a formula giving equal weight to the Democratic Party registration and the average vote for Democratic candidates in the last general elections for Governor and President for which figures were available at the time delegate tabulations were prepared.

Allan Isbitz, Chairperson will call the caucus at Longfellow School, 359 Broadway, Cambridge. The caucus is open to all registered Democrats, persons ineligible to register and media representatives. The only persons eligible to participate in any portion of the caucus are those who are registered Democrats in the ward or town as of December 31, 1991. There will be no absentee or proxy voting.

Candidates for delegate and alternate must also be present, voting and give his or her written consent to be nominated and that nomination must be seconded by two persons present at the local caucus.

All ballots will be written and secret. Those candidates receiving the greatest number of votes on the first ballot will be elected.

Each candidate will be allowed to make a two-minute speech and to distribute on his/her behalf one sheet of paper listing qualifications and ideas.

Slate-making is allowed, but no special preference shall be given to slates. There is no quorum requirement for the caucus.

There will be no admission or expense charge at the caucus, although donations may be solicited.

Discrimination on the basis of race, sex, age, color, creed, national origin, religion, ethnic identity, philosophical persuasion or economic status in the conduct of the caucus is strictly prohibited.

Challenges to the delegate selection process can be filed in writing with the Compliance Review Commission, c/o The Massachusetts Democratic Party, 45 Bromfield Street, Boston, MA 02108 no later than March 2, 1992.

For information contact: Allan Isbitz, 868-5378.

(C)Feb.20
#6757

NOTICE
DEMOCRATS TO CAUCUS STATEWIDE

Registered Democrats in **Ward 2,** Cambridge will be holding a caucus on Saturday, February 29, 1992 at 2:00 P.M. to elect delegates to the 1992 Massachusetts Democratic Convention.

Ward 2, Cambridge will be electing 4 delegates and 4 alternates, equally divided between men and women, to send to the Convention. The apportioned number of delegates has been allocated on the basis of a formula giving equal weight to the Democratic Party registration and the average vote for Democratic candidates in the last general elections for Governor and President for which figures were available at the time delegate tabulations were prepared.

George Sommaripa, Chairperson will call the caucus at Margaret Fuller House, 71 Cherry St., Cambridge. The caucus is open to all registered Democrats, persons ineligible to register and media representatives. The only persons eligible to participate in any portion of the caucus are those who are registered Democrats in the ward or town as of December 31, 1991. There will be no absentee or proxy voting.

Candidates for delegate and alternate must also be present, voting and give his or her written consent to be nominated and that nomination must be seconded by two persons present at the local caucus.

All ballots will be written and secret. Those candidates receiving the greatest number of votes on the first ballot will be elected.

Each candidate will be allowed to make a two-minute speech and to distribute on his/her behalf one sheet of paper listing qualifications and ideas.

Slate-making is allowed, but no special preference shall be given to slates. There is no quorum requirement for the caucus.

There will be no admission or expense charge at the caucus, although donations may be solicited.

Discrimination on the basis of race, sex, age, color, creed, national origin, religion, ethnic identity, philosophical persuasion or economic status in the conduct of the caucus is strictly prohibited.

Challenges to the delegate selection process can be filed in writing with the Compliance Review Commission, c/o The Massachusetts Democratic Party, 45 Bromfield Street, Boston, MA 02108 no later than March 2, 1932.

For information contact: George Sommaripa, 661-3800.

(C)Feb.20
#6756

(A.C. 93)
COMMONWEALTH OF MASSACHUSETTS
PROBATE COURT
Middlesex, ss. No: 92E0006P1

To **Emily Sala** and Joseph J. Sala d/ Arlington, in the county of Middlesex and Cambridgeport Savings Bank, of Cambridge, in the county of Middlesex and to all persons interested:

A petition has been presented to said Court by **Rose McDermott** and **Michael McDermott** of Cambridge in the County of Middlesex representing that they hold as tenant in common one undivided half part or share of certain land lying in Cambridge in said County Middlesex and briefly described as follows:

A certain parcel of land with the buildings and improvements thereon, including all furnaces, heaters, ranges, mantels, gas and electric light fixtures and all other fixtures of whatever kind and nature contained in said buildings, situated in said Cambridge, bounded and described as follows:

Beginning at a point on the southeasterly side of Berkshire Street distant eighty and 79/100 (80.89) feet northeasterly from the corner of **Lincoln Street,** as shown on a plan by W.H. Whitney, dated February 13, 1905, recorded with Middlesex South District Deeds in Book of Plans 69, Plan 10, bounded:

Northwesterly by Berkshire, thirty-seven (37) feet;

Northeasterly by a portion of Lot 15 on a plan, now or formerly of M. Mitchell, et al, eighty and 39/100 (80.39) feet;

Southeasterly by lots 25 and 12 on said plan, thirty-seven (37) feet;

Southwesterly by a portion of lot 14 on said plan, eighty and 39/100 (80.39) feet.

containing 2974.45 square feet.

Setting forth that they desire that all the following described part-of said land may be sold at private sale for not less than $235,000.00 and praying that partition may be made of all the land aforesaid according to law, and to that end that a commissioner be appointed to make such partition and be ordered to make sale and conveyance of all, or any part of said land which the Court finds cannot be advantageously divided either at private sale or public auction, and be ordered to distribute the net proceeds thereof.

If you desire to object thereto you or your attorney should file a written appearance in said Court at Cambridge before ten o'clock in the forenoon on the tenth day of March 1992, the return day of this citation.

Witness, Sheila E. McGovern, Esquire, First Judge of said Court, this twenty fourth day of January 1992.

Donna M. Lambert
Register

(C)Feb.20,27,March 5
#7000

LEGAL NOTICE
MORTGAGEE'S SALE OF REAL ESTATE

By virtue and in execution of the Power of Sale contained in a certain mortgage given by **Michael W. Sylvester** to Middlesex Federal Savings and Loan Association now known as **Middlesex Federal Savings, F.A.,** dated April 12,1990, and recorded with Middlesex South Registry of Deeds in Book 20487, Page 320, of which mortgage the undersigned is the present holder, for breach of the conditions of said mortgage, and for the purpose of foreclosing, the same will be sold at Public Auction at 12:00 noon, on the 10th day of March, 1992, on the mortgaged premises described below, being known as **62 Richdale Avenue, Cambridge, Massachusetts,** all and singular the premises described in said mortgage to wit:

A certain parcel of land together with the buildings thereon, situate in Cambridge, Middlesex County, Massachusetts, being Lot #6 on a plan entitled "Plan of House Lots for James W. Connor" dated September 8, 1908, recorded with Middlesex South District Deeds, Book of Plans #173, Plan #50, bounded and described as follows:

NORTHERLY by Richdale Avenue, 60.33 feet;

EASTERLY by Lot 2 as shown on said plan, 42.51 feet;

SOUTHERLY by Lot 3 and 4 as shown on said plan, 72.61 feet; and

WESTERLY by land of owners unknown, 82.92 feet.

Containing 3784 square feet according to said plan. Be any or all of said measurements or contents more or less or however otherwise said premises may be measured, bounded and described.

The Mortgagee reserves the right to postpone the sale to a later date by public proclamation at the time and date appointed for the sale and to further postpone at any adjourned sale date by public proclamation at the time and date appointed for the adjourned sale date.

In the event that the successful bidder at the foreclosure sale shall default in purchasing the within-described property according to the terms of this Notice of Sale and/or the terms of the Memorandum of Sale executed at the time of foreclosure, the Mortgagee reserves the right to sell the property by foreclosure Deed to the second highest bidder provided that the second highest bidder shall deposit with Mortgagee's attorneys, Edward Rainen, P.C., the amount of the required deposit as set forth herein within three (3) business days after written notice of default of the previous highest bidder and title shall be conveyed to said second highest bidder within twenty (20) days of said written notice.

TERMS OF SALE: A deposit of Ten Thousand Dollars ($10,000.00) will be required for a bid on the mortgaged premises. The deposit shall be paid in cash or by certified check at the time and place of the sale as earnest money. The balance is to be paid in cash or by certified check within thirty (30) days of the date of the sale.

Other terms, if any, to be announced at the sale.

Middlesex Federal Savings, F.A.
present holder of said mortgage
by Edward Rainen, Esquire
Sears Crescent Building
City Hall Plaza
Boston, Massachusetts 02108
Telephone: (617) 367-8284

(C)Feb.20,27,March5
#6978



MID CAMBRIDGE NEIGHBORHOOD
CONSERVATION DISTRICT COMMISSION

Notice is hereby given that the Mid Cambridge Neighborhood Conservation District Commission will hold a public hearing on Monday, March 2, 1992 at 5:30 PM in the third floor conference room at the City Hall Annex, 57 Inman Street, to consider the following applications for Certificate of Appropriateness under Ordinance 1002 and the Order establishing the Commission:

Case 480: **10 Trowbridge Street.** For binding certificate of appropriateness for construction of a two-story bedroom addition to the rear of the building, including demolition of the existing ell and garage. By Wallace Sherwood.

Case 483: **4, 4 1/2 Centre Street.** For binding certificate of hardship for demolition of two attached three family houses and construction of a new four-unit residential building. By Lawrence A. Linder, Trustee, 4 1/2 Centre Realty Trust.

Case 439: **49 Dana Street.** Continuation of hearing for binding certificate of appropriateness for fence construction at 49 Dana Street. By Milo Pulde and Margo Seligman.

Case 367: **49A and B Dana Street.** For binding certificate of appropriateness for completion of landscape structures, including parking and fencing. By Charles Darling.

Frances Lieberman
Chairman

(C)Feb.20,27
#6761

MORTGAGEE'S SALE OF REAL ESTATE

By virtue and in execution of the Power of Sale contained in a certain mortgage given by **Edward A. Simourian** ("Mortgagor") to BayBank Harvard Trust Company ("Mortgagee") dated April 16, 1987 and recorded with Middlesex Southern District Registry of Deeds in Book 18046, Page 523, as modified by Notice of Modification of Mortgage and Security Agreement Conditional Assignment of Leases and Rents dated July 23, 1990 and recorded with said Deeds in Book 20685, Page 156, of which mortgage the undersigned is the present holder, for breach of the conditions of said mortgage, and for the purposes of foreclosing, the same shall be sold at Public Auction at 11:00 o'clock a.m. on the 18th day of March, 1992, on the mortgaged premises being known as **39-41 Inman Street,** Cambridge, Middlesex County, Massachusetts, all and singular the premises described in said mortgage, to wit:

The land in Cambridge, Middlesex County, Massachusetts, bounded and described as follows:

A certain parcel of land with the buildings thereon, being now #39 and 41 on Inman Street in said Cambridge, and bounded and described as follows:

NORTHEASTERLY by land now or formerly of Mary E. Buckley, seventy (70) feet and ten (10) inches;

NORTHWESTERLY by Lot #16 on a Plan of Building Lots in Cambridge belonging to the Estate of the late Samuel P. Allen, recorded with Middlesex South District Deeds, Book of Plans 15, Plan 21, seventy-one and one-fifth (71 1/5) feet;

SOUTHWESTERLY by Lot #38 on said Plan, seventy-six and 56/100 (76.56) feet; and

SOUTHEASTERLY by said Inman Street, seventy and 45/100 (70.45) feet.

Subject to restrictions of record, if any, insofar as the same may now be in force and effect.

For Mortgagor's Title see Book 17280, Page 176.

The Mortgagee reserves the right to postpone the sale to a later date by public proclamation at the time and date appointed for the sale and to further postpone at any adjourned sale date by public proclamation at the time and date appointed for the adjourned sale date.

Said premises shall be sold subject to and with the benefit of all restrictions, easements, improvements, outstanding tax titles, mortgages, liens, rights of tenants and parties in possession, unpaid taxes, municipal liens and other public taxes, assessments or liens, having priority over the mortgage described herein, if any.

In the event that the successful bidder at the foreclosure sale shall default in purchasing the within described property according to the terms of this Notice of Sale and/or the terms of the Memorandum of Sale executed at the time of the foreclosure, the Mortgagee reserves the right to sell the property by Foreclosure Deed to the second highest bidder provided that the second highest bidder shall deposit with Mortgagee's attorneys, Edward Rainen, P.C., the amount of the required deposit as set forth herein within three (3) business days after written notice of default of the previous highest bidder and title shall be conveyed to said second highest bidder within twenty (20) days of said written notice.

TERMS OF SALE: A deposit of Twenty Thousand Dollars ($20,000.00) shall be paid in cash or by certified check by the purchaser at the time and place of sale as earnest money. The balance is to be paid in cash or by certified check upon delivery of the Deed within forty-five (45) days of the date of the sale at the office of McDermott, Will & Emery, 75 State Street, Boston, Massachusetts.

The purchaser shall be responsible for the payment of documentary tax stamps and all recording costs.

Other terms, if any, to be announced at sale.

BayBank, formerly known as
BayBank Harvard Trust Company,
present holder of said mortgage,
by its attorneys,
Christopher J. Donovan
McDermott, Will & Emery
75 State Street
Boston, Massachusetts 02109
(617) 345-5000

(C)Feb.6,13,20
#6384

COMMONWEALTH OF MASSACHUSETTS
Middlesex, ss. Probate Court
Case No. 91A0764-T1

To **Lorraine Foster and Sidney Foster** both of parts unknown represented to be the parents of **Patricia Ann Foster,** a minor child received by the Department of Social Services, Division of Child Guardianship under the provisions of General Laws, Chapter 119, Section 23. A petition has been presented to said court by Gerald Robinson, Commissioner Division of Family and Children's Services, Department of Social Services, Commonwealth of Massachusetts, praying that the Court establish that the consent of said parents shall not be required upon a petition for adoption of said minor sponsored by your petitioner, as provided by the General Laws, chapter 210, Section 3, as most recently amended.

If you desire to object thereto, you or your attorney shall file a written appearance in said Court at Cambridge before ten o'clock in the forenoon on the 31st day of March 1992, the return day of this citation.

Witness, Sheila E. McGovern, Esquire, First Judge of said Court, this 17th day of January 1992.

Donna M. Lambert
Register

(C)Feb.6,13,20
#6389

COMMONWEALTH OF MASSACHUSETTS
Middlesex, ss. Probate Court
Case No. 91A07523-T1

To **Christina Coutard** of Waltham in the COunty of Middlesex and to the alleged father of parts unknown, represented to be the parents of Ariele Coutard, a minor child received by the Department of Social Services, Division of Child Guardianship, under the provisions of General Laws, Chapter 119, Section 23. A petition has been presented to said court by Gerald Robinson, COmmissioner Division of Family and Children's Services, Department of Social Services, Commonwealth of Massachusetts, praying that the Court establish that the consent of said parent shall not be required upon a petition for adoption of said minor sponsored by your petitioner, as provided by the General Laws, Chapter 210, Section 3, as most recently amended.

If you desire to object thereto, you or your attorney should file a written appearance in said Court at Cambridge before ten o'clock in the forenoon on the 31st day of March 1992, the return day of this citation.

Witness, Sheila E. McGovern, Esquire, First Judge of said Court, this 17th day of January 1992.

Donna M. Lambert
Register

(C)Feb.6,13,20
#6387

MORTGAGEE'S SALE OF REAL ESTATE

By virtue and in execution of the Power of Sale contained in a certain mortgage given by **Ellen S. Brockman,** Trustee of ESB Trust dated November 2, 1987 to Bay State Federal Savings Bank recorded with Middlesex South District Registry of Deeds in Book 18674, Page 220, of which mortgage the undersigned is the present holder, for breach of the conditions of said mortgage and for the purpose of foreclosing the same will be sold at Public Auction on the mortgaged premises hereinafter described, namely **33 Bigelow Street, Cambridge,** Middlesex County, Massachusetts on Thursday, March 5, 1992 at 2:00 P.M., all and singular the premises described in said mortgage, to wit:

The land with the buildings thereon, known and numbered as 33 Bigelow Street, Cambridge, Middlesex County, Massachusetts, being Lot C on a "Plan of Land in Cambridge, Massachusetts" dated 19 February, 1985 by Frederick R. Joyce, Co., Surveyors, recorded as Plan 823 of 1985 in Book 16258, Page 392, containing 2,842.72 square feet of land, bounded and described as follows:

Southeasterly by Bigelow Street, twenty-eight and 23/100 (28.23) feet;

Southwesterly by Lot B as shown on said Plan ninety-nine and 53/100 (99.53) feet;

Northwesterly by land now or formerly of Cesper, Inc. and land now or formerly of Bellue and Wack, twenty-eight and 87/100 (28.87) feet;

Northeasterly by land now or formerly of Cambridge Visiting Nurses Association ninety-nine and 61/100 (99.61) feet.

Being part of Parcel One in a deed from Anita L. Payzant dated June 17, 1982, recorded with said Deeds in Book 14640, Page 426. For Mortgagor's title see deed recorded with said Deeds in Book 16445, Page 464.

Said premises will be sold subject to any and all unpaid taxes, assessments, betterments and municipal liens, if any there be.

Terms of Sale: Twenty Thousand and 00/100 ($20,000.00) Dollars in certified or bank check at the time and place of the sale, balance to be paid at the office of Merrill & McGeary, Attorneys for Bay State Federal Savings Bank, 11 Beacon Street, Suite 1200, Boston, MA, within thirty days of the sale. Other terms, if any, to be announced at the sale.

Bay State Federal Savings Bank
Present Holder of Said Mortgage
By its attorneys,
Merrill & McGeary
11 Beacon St., Boston, MA 02108

(C)Feb.6,13,20
#6296

COMMONWEALTH OF MASSACHUSETTS
Middlesex, ss. Probate Court
Case No. 91A0655T1

To **Sharon McCormick,** mother, of Lowell in said County of Middlesex and to the alleged father of **Carey Lynn McCormick** of Cambridge represented to be the parents of said minor child received by the Department of Social Services, Division of Child Guardianship, under the provisions of General Laws, Chapter 119, Section 23. A petition has been presented to said court by Gerald Robinson, Commissioner Division of Family and Children's Services, Department of Social Services, Commonwealth of Massachusetts, praying that the Court establish that the consent of said Sharon McCormick and the alleged father shall not be required upon a petition for adoption of said minor sponsored by your petitioner, as provided by the General Laws, Chapter 210, Section 3, as most recently amended.

If you desire to object thereto, you or your attorney shall file a written appearance in said Court at Cambridge before ten o'clock in the forenoon on the twenty-third day of March 1992, the return day of this citation.

Witness, Sheila E. McGovern, Esquire, First Judge of said Court, this thirteenth day of January 1992.

Donna M. Lambert
Register

(C)Feb.6,13,20
#6388

MORTGAGEE'S SALE OF REAL ESTATE

By virtue and in execution of the Power of Sale contained in a certain mortgage (the "Mortgage") given by **Gwendolen N. Rono** to Depositors Trust Company dated February 29, 1988, recorded with the Middlesex South Registry of Deeds in Book 18898, Page 434, as confirmed by an instrument dated October 23, 1989 and recorded with said Registry in Book 20180, Page 83, of which Mortgage the undersigned is the present holder, for breach of the conditions of the Mortgage and for the purpose of foreclosing the same, there will be sold at Public Auction at 10:00 o'clock a.m. on the 10th day of March, 1992, at the mortgaged premises located at **70 Sparks Street, Cambridge, Middlesex County, Massachusetts,** all and singular the premises described in the Mortgage, to wit:

"Two certain parcels of land with the buildings thereon, situated on Sparks Street, in Cambridge, Middlesex County, Massachusetts, being shown as Lots A and B on a plan entitled "Subdivision Plan of Land, Cambridge, Mass.", dated Feb. 11, 1971, by **Fred R. Joyce,** duly recorded with Middlesex South District Deeds in Book 11968, Page 340, and being further bounded and described, as shown on said plan, as follows:

Lot A —

Westerly: by said Sparks Street, 21.01 feet;

Northerly: by Lot B, hereinafter described, 110.55 feet;

Westerly: again by said Lot B, 89.71 feet;

Northerly: again by land now or formerly of Mary S.S. Dodge Estate, 28.25 feet;

Westerly: again by land now or formerly of said Mary S.S. Dodge Estate, 81.16 feet;

Northerly: again by land now or formerly of Margaret S. Abbott, 101.09 feet;

Easterly: by land now or formerly of C.H. Bracford, 69.24 feet;

Easterly: again by land now or formerly of Melville S. Weston, 109.01 feet;

Southerly: by land now or formerly of Helen D. Bailey and land now or formerly of the President and Fellows of Harvard College, 203.63 feet.

Containing 22,156 square feet of land more or less.

Lot B —

Westerly: by said Sparks Street, 81.30 feet;

Northerly: by land now or formerly of Mary S.S. Dodge Estate, 113.01 feet;

Easterly: by Lot A above described, 89.71 feet; and

Southerly: by said Lot A, 110.55 feet.

Containing 9,547 square feet of land more or less.

Being the premises conveyed to Gwendolen N. Rono by deed of Soren Rono, dated Oct. 9, 1984, recorded at the Middlesex County Registry of Deeds in Book 15823 at Page 90."

The mortgaged premises will be sold (i) subject to and with the benefit of all restrictions, easements, improvements, outstanding tax titles, municipal or other public taxes, assessments, liens or claims in the nature of liens, and existing encumbrances of record created prior to the Mortgage or to which the Mortgage has of record been subordinated, and (ii) subject to persons in possession, and the rights of any tenants or occupants, of the mortgaged premises or any part thereof.

Terms of Sale: A deposit of Twenty Thousand and no/100 Dollars ($20,000.00) will be required to be paid in cash or by certified check by the purchaser at the time and place of sale. The balance of the purchase price shall be required to be paid in cash or by certified or bank check within twenty-one (21) days at the offices of Craig and Macauley Professional Corporation, Federal Reserve Plaza, 600 Atlantic Avenue, Boston, Massachusetts 02210.

Other terms to be announced at the sale.

The undersigned holder of the Mortgage reserves the right to reject any and all bids for the mortgaged premises and to continue the foreclosure sale from time to time to such subsequent date or dates as such holder may deem necessary or appropriate.

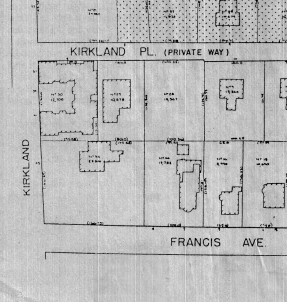
Dated: February 11, 1992

Depositors Trust Company
Present holder of said mortgage
By its attorneys,
Craig and Macauley Professional Corporation
R. Paul Faxon
Craig and Macauley Professional Corporation
Federal Reserve Plaza
600 Atlantic Avenue
Boston, Massachusetts 02210
(617) 367-9500

(C)Feb.13,20,27,Mar.5
#6940

PUBLIC NOTICE
RELATIVE TO ZONING
CITY OF CAMBRIDGE
MASSACHUSETTS
OFFICE OF THE CITY CLERK

Notice is hereby given that in accordance with the provisions of Chapter 40A, Section 5 of the General Laws, Tercentenary Edition and amendments thereto, that the Committee on Ordinances, comprised of the entire membership of the City Council, will hold a public hearing on Thursday, March 12, 1992 at 5:30 p.m. in the Sullivan chamber, City Hall, Cambridge, Massachusetts on a petition by Paul Daly, et al to amend both the text of the Zoning Ordinance and the **Zoning Map** of the City of Cambridge. The petition would create a new Section 11.400 - **Kirkland Place** Overlay District in the zoning Ordinance and rezone an area of Kirkland Place currently designated Residence C-3 to be subject to this new Overlay District. The Overlay District would create a transition between the existing Residence C-3 dimensional regulations and those of the Residence A-2 district by restricting the above ground floor area ratio to .5, while allowing up to 3.0 FAR below grade. The building setbacks, height restrictions, and open space requirements in the Overlay District would be as required in the Residence A-2 district. The use requirements of the Residence C-3 District would be unaffected by the Overlay District. The proposed Zoning Map change is shown on the accompanying map.



Copies of this petition are on file in the Office of the City Clerk, City Hall, Cambridge, Massachusetts.

All persons interested in this matter may appear at this time and be heard.

For the Committee
Councillor, Alice K. Wolf,
Chair

(C)Feb.20,27
#6983

COMMONWEALTH OF MASSACHUSETTS
Middlesex ss. Probate Court
No. 85D 3417 D2

Angela M. Stevenson Plaintiff
vs.
Ivan M. Stevenson Defendant

To the above-named Defendant:

A complaint has been presented to this Court by your spouse, Angela M. Stevenson, seeking a divorce for cruel and abusive treatment, custody, and support.

You are required to serve upon Lois H. Kanter, plaintiff's attorney, whose address is Harvard Legal Aid Bureau, 1511 Massachusetts Avenue, Cambridge, MA 02138 your answer on or before June 8, 1992. If you fail to do so, the Court will proceed to the hearing and adjudication of this action. You are also required to file a copy of your answer in the office of the Register of this Court at cambridge.

Witness, Sheila E. McGovern, Esq., First Judge of said Court at Cambridge.

Donna M. Lambert
Register of Probate

(C)March26,April2,9
#3114

MORTGAGEE'S SALE OF REAL ESTATE

By virtue and in execution of the Power of Sale contained in a certain Mortgage given by **Yves A. Isidor** to First Eastern Mortgage Corporation dated March 19, 1990 and recorded with Middlesex County (Southern District) Registry of Deeds in Book 20434, Page 540 of which Mortgage the undersigned is the present holder, for breach of the conditions of said Mortgage and for the purpose of foreclosing, the same will be sold at Public Auction at 9:00 a.m. on the 29th day of April, A.D., 1992, on the mortgaged premises located at **153-155 Cherry Street, Cambridge, Massachusetts,** all and singular the premises described in said Mortgage

A certain parcel of land with the building thereon situated in Cambridge, Middlesex County, Massachusetts, said land being designed as Lot #1B and described more particularly in a plan of subdivision prepared by Wendell H. Mason, Registered Land Surveyor, 122 Essex Street, Beverly, MA 01915 dated April 30, 1986. Containing 2806 square feet, more or less and recorded herewith.

It is the purpose of these covenants and restriction to provide a means for maintaining and controlling the exterior of the homes situated on the aforesaid subdivision. It is to preserve the exterior similarity of the homes for all future owners that these covenants and restrictions are established, and the intention of the Grantor is that the provisions hereof shall be understood and construed to achieve that objective. Every grantee by acceptance of the Deed to his Lot does thereby agree: (a) to be bound by the covenants and restrictions of this Master Declaration; and (b) that said covenants restrictions run with and appertain to the Lot conveyed thereby.

The architectural integrity of the homes on the Lots shall be preserved without modification, and to that end, without limiting the generality of the foregoing, no awning, antenna, sign, banner, or other device, and no exterior change, addition, structure, projection (except window air-conditioning units), decoration or other feature shall be erected or placed upon or attached to any such home or any part thereof, without the prior written consent of the homeowners of the abutting subdivision lots, i.e., no addition to or change or replacement (except so far as practicable, with identical kind) of any exterior hardware, exterior door or door frames shall be made, and no painting, no roof replacement attaching of decalcomania or other decoration shall be done on any exterior part or surface of any home except insofar as same is (so far as practicable) done with materials of substantially identical kind. If it should be reasonably impractical to do any of the foregoing with such identical materials, the homeowner desiring to make a change or improvement must obtain the written consent of the equity owners of the homes.

This instrument is subject to a decision of the Cambridge Board of Zoning Appeal filed with the Planning Board and the City Clerk on November 25, 1986.

For Mortgagor's title see deed from Ifeanyi A. Menkiti recorded immediately prior hereto.

Said Premises will be sold subject to/or with the benefit of any and all restrictions, easements, improvements, covenants, taxes, assessments, liens or claims in the nature of liens, and existing encumbrances of record created prior to the Mortgage, if any, there be. A deposit of Twelve Thousand Four Hundred Fifty Dollars in cash, certified check or bank check will be required to be paid by the purchaser at the time and place of sale with the balance of the purchase price to be paid within 30 thereafter.

Other terms to be announced at the time and place of sale.

First Eastern Mortgage Corporation
Present holder of said Mortgage
By its Attorneys
Serino, Ley, Young & Grumbach
By: John G. Serino
Serino, Ley, Young & Grumbach
260 Franklin Street
Boston, Massachusetts 02110
(617) 439-4700
Dated: March 30, 1992

(C)April2,9,16
#3196

LEGAL NOTICE
MORTGAGEE'S SALE OF REAL ESTATE

By virtue and in execution of the Power of Sale contained in a certain mortgage given by **Michael W. Sylvester** to **Middlesex Federal** Savings and Loan Association now known as Middlesex Federal Savings, F.A., dated April 12, 1990, and recorded with Middlesex South Registry of Deeds in Book 20487, Page 320, of which mortgage the undersigned is the present holder, for breach of the conditions of said mortgage, and for the purpose of foreclosing, the same will be sold at Public Auction at 10:00 a.m., on the 4th day of May, 1992, on the mortgaged premises described below, being known as **62 Richdale Avenue, Cambridge, Massachusetts,** all and singular the premises described in said mortgage to wit:

A certain parcel of land together with the buildings thereon, situate in Cambridge, Middlesex County, Massachusetts, being Lot #6 on a plan entitled "Plan of House Lots for James W. Connor" dated September 8, 1908, recorded with Middlesex South District Deeds, Book of Plans #173, Plan #50, bounded and described as follows:

NORTHERLY by Richdale Avenue, 60.33 feet;
EASTERLY by Lot 2 as shown on said plan, 42.51 feet;
SOUTHERLY by Lot 3 and 4 as shown on said plan, 72.61 feet; and
WESTERLY by land of owners unknown, 82.92 feet.

Containing 3784 square feet according to said plan. Be any or all of said measurements or contents more or less or however otherwise said premises may be measured, bounded and described.

The Mortgagee reserves the right to postpone the sale to a later date by public proclamation at the time and date appointed for the sale and to further postpone at any adjourned sale date by public proclamation at the time and date appointed for the adjourned sale date.

In the event that the successful bidder at the foreclosure sale shall default in purchasing the within-described property according to the terms of this Notice of Sale and/or the terms of the Memorandum of Sale executed at the time of foreclosure, the Mortgagee reserves the right to sell the property by foreclosure Deed to the second highest bidder provided that the second highest bidder shall deposit with Mortgagee's attorneys, Edward Rainen, P.C., the amount of the required deposit as set forth herein within three (3) business days after written notice of default of the previous highest bidder and title shall be conveyed to said second highest bidder within twenty (20) days of said written notice.

TERMS OF SALE: A deposit of Ten Thousand Dollars ($10,000.00) will be required for a bid on the mortgaged premises. The deposit shall be paid in cash or by certified check at the time and place of the sale as earnest money. The balance is to be paid in cash or by certified check within thirty (30) days of the date of the sale.

Other terms, if any, to be announced at sale.

Middlesex Federal Savings, F.A.
present holder of said mortgage
by Edward Rainen, Esquire
Edward Rainen, P.C.
Sears Crescent Building
City Hall Plaza
Boston, Massachusetts 02108
Telephone: (617) 367-8284

(C)April2,9,16
#2988

COMMONWEALTH OF MASSACHUSETTS
Middlesex, ss. Probate Court
Case No. 90A0703-T1

To the alleged father of parts unknown represented to be the father of **Jerren Landell Tyree,** a minor child received by the Department of Social Services, Division of Child Guardianship, under the provisions of General Laws, Chapter 119, Section 23. A petition has been presented to said court by Marie A. Matava, Commissioner Division of Family and Children's Services, Department of Social Services, Commonwealth of Massachusetts, praying that the Court establish that the consent of said alleged father shall not be required upon a petition for adoption of said minor sponsored by your petitioner, as provided by the General Laws, Chapter 210, Section 3, as most recently amended.

If you desire to object thereto, you or your attorney should file a written appearance in said Court at Cambridge before ten o'clock in the forenoon on the 8th day of June 1992, the return day of this citation.

Witness, Sheila E. McGovern, Esquire, First Judge of said Court, this 26th day of March 1992.

Donna M. Lambert
Register

(C)April2,9,16
#2973

CITY OF CAMBRIDGE
TRAFFIC AND PARKING

By force of the power vested in me by Special Act of the Legislature of 1961 (Chapter 455), I hereby amend the traffic Regulations of the City of Cambridge by adding the following regulation.

Regulation No. 92-10

Regulation No. 66-1 Schedule 10 "Parking time Limited On Certain Sides Of Certain Streets is hereby amended by adding the following:

Columbia Street, east side, 170' N of Washington Street to 204' N of Washington Street, 8A-6P, 30 min. Except Sunday.

This regulation shall take effect 21 April 1992.

Promulgated Date March 16, 1992

George Teso
Traffic Director

(C)March26,April2,9
#3085

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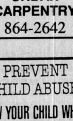

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COMMONWEALTH OF MASSACHUSETTS
THE TRIAL COURT
THE PROBATE AND
FAMILY COURT DEPARTMENT
Middlesex Division Docket No. 92D 0738Di
ORDER FOR SERVICE BY PUBLICATION
Josefa E. Perez Weaver, Plaintiff
vs.
Ellsworth L. B. Weaver, Jr., Defendant

Upon motion of plaintiff for an order directing Ellsworth L. B. Weaver, Jr., the defendant herein, to appear, plead or answer, in accordance with Mass.R.Civ.P./Mass.R.Dom.Rel.P. Rule 4, it appearing to the Court that this is an action to - dissolve the bonds of matrimony - for separate support and maintenance - alimony - for custody of and allowance for minor children - for conveyance of real or personal property located within the Commonwealth - that the said defendant cannot be found within the Commonwealth and that his present whereabouts are unknown; that personal service on said defendant is therefore not practicable, and that said defendant has not voluntarily appeared in this action; it is

Ordered that said defendant is directed to appear, plead, answer or otherwise move with respect to the complaint herein on or before May 4, 1992, or in default thereof this Court will proceed to the hearing and adjudication of this suit;

Ordered that the accompanying summons be published in the Cambridge Chronicle once a week for three consecutive weeks beginning March 30, 1992; and it is further

Ordered that a copy of the summons be mailed to the defendant at his last known address by registered or certified mail.

Sheila E. McGovern
Justice of the Probate and Family Court
(C)Apr.2,9,16
#2970

MORTGAGEE'S SALE OF REAL ESTATE

By virtue and in execution of the Power of Sale contained in a certain mortgage given by **The Beverly Corporation** to First Colonial Bank for Savings dated March 14, 1988 and recorded with Middlesex County (Southern District) Registry of Deeds in Book 18925, Page 30 and also recorded with the Middlesex County Southern Registry District of the Land Court as Document number 769412 on Certificate of Title number 182331, of which mortgage the undersigned is the present holder, for breach of the conditions of said mortgage and for the purpose of foreclosing the same will be sold at Public Auction at 11:00 o'clock A.M. on the fourteenth day of May A.D. 1992, upon the mortgaged premises presently known and numbered as **15 Lilac Court, Cambridge, Massachusetts** all and singular the premises described in said mortgage, to wit:

The land in Cambridge, Middlesex county, Massachusetts being shown as Lot 15 on plan No. 103702-B of Book 948 Page 92.

Also another certain parcel of land situated in said Cambridge being shown as Lot 15A on Plan No. 773 of 1981 in Book 14355 Page 429.

This sale is subject to any and all easements and restrictions of record so far as same are now in force and applicable, unpaid taxes, tax titles, water liens and betterments if any there be.

Terms of Sale: A deposit of Ten Thousand Dollars ($10,000.00) to be paid in cash or certified check will be required as a deposit at the time and place of sale. The balance will be due within twenty (20) days at the office of Jeffrey W. Shub, Esquire, Conianis & Shub, Attorneys, 70 Washington Street, Salem, Massachusetts 01970, attorneys for the mortgagee. Other terms to be announced at the time and place of sale.

First Colonial Bank For Savings
Present holder of said mortgage
By its attorney
Jeffrey W. Shub, Esquire
Conianis & Shub, Attorneys
70 Washington Street
Salem, Massachusetts 01970
Telephone (508) 745-3880
(C)April2,9,16
#2992

COMMONWEALTH OF MASSACHUSETTS
DISTRICT COURTS OF MASSACHUSETTS
THIRD DISTRICT COURT OF
EASTERN MIDDLESEX
Middlesex, ss. Civil No. 215-89
East Cambridge Savings Bank Plaintiff
Richard Glampa Defendant

To the above-named defendant:

Whereas it appears from the officer's return on process issued therein that after diligent search he can find no one upon who he can lawfully make service, and after hearing it is ORDERED by the Court that the following summons issue for service upon you:- to be published once each week, for three successive weeks, in some newspaper published in the defendant's last and usual place of abode and having a general circulation therein.

You are hereby summoned and required to serve upon Michael J. Murphy Plaintiff's attorney, whose address is Friskil & Assoc., 43 Thorndike Street, Cambridge 02141 a copy of your answer to the complaint which is herewith served upon you, within 20 days after the last publication of this summons, exclusive of the day of service. You are also required to file your answer to the complaint in the Office of the Clerk of this Court either before service upon plaintiff's attorney, or within 5 days thereafter. If you fail to meet the above requirements, judgment by default may be rendered against you for the relief demanded in the complaint.

Unless otherwise provided by Rule 13(a), your answer must state as a counterclaim any claim which you may have against the plaintiff which arises out of the transaction or occurrence that is the subject matter of the plaintiff's claim or you will be barred from making such claim in any other action.

Witness, Lawrence F. Feloney, Esquire, at Cambridge the thirteenth day of February, in the year of our Lord one thousand nine hundred and ninety two.

Linda M. Steeves, Clerk
(C)April2,9,16
#2991

MORTGAGEE'S SALE OF REAL ESTATE

By virtue and in execution of the Power of Sale contained in a certain mortgage given by **James. A. Enos** to Northeast Savings, F.A., dated August 3, 1989, recorded with the Middlesex County (Southern District) Registry of Deeds in Book 19990 Page 419 of which mortgage the undersigned is the present holder, for breach of the conditions of said mortgage and for the purpose of foreclosing the same will be sold at Public Auction at 10:00 o'clock, a.m. on the 16th day of April, A.D., 1992, on the premises described therein, to wit, **19 Muller Avenue, Cambridge, Middlesex County, Massachusetts,** the premises described in said mortgage, together with all the rights, easements, and appurtenances thereto, to wit:

The land and buildings thereon located in Cambridge, Middlesex County, Massachusetts, known as 19-21 Muller Avenue and shown as Lot 111 on a plan entitled, "Subdivision of Land in Cambridge, Massachusetts, for Devries and Legel", by Donald J. Reardon Surveyor, dated July 31, 1928 and recorded with Middlesex South District Registry of deeds, at the end of Book 5287.

SOUTHWESTERLY by Muller Avenue, twenty-five and 9/100 (25.09) feet;

SOUTHWESTERLY by Muller Avenue, fifteen and 9/10 (15.9) feet;

NORTHWESTERLY by Lot 10 as shown on said plan, eighty-one and 3/10 (81.3) feet;

NORTHEASTERLY by land of owners unknown, forty-eight (48) feet;

SOUTHEASTERLY by Lot 12 as shown on said plan, eighty-nine (89) feet.

Containing in all 3,729 square feet, as shown on said plan.

Together with the right to use Muller Avenue for all purpose (sic) for which private way (sic) are ordinarily used in the City of Cambridge, in common with others entitled thereto.

Terms of Sale: These premises are being sold subject to any and all unpaid real estate taxes, water rates, municipal charges and assessments, federal and/or state tax liens, partition wall rights, statutes, regulations, zoning, subdivision control, or other municipal ordinances or bylaws respecting land use, configuration, building or approval, or ordinances regarding the presence of lead paint, asbestos, sanitary codes, housing codes, or tenancy.

Purchaser shall also bear all state and county deeds excise tax. The deposit of $20,000.00 is to be paid in cash or bank or certified check at the time and place of the sale, with the balance to be paid by bank or certified check on or before May 28, 1992, to be deposited in escrow with Kevin F. Murphy, Esquire, at 31 Milk Street, Boston, Massachusetts.

Other terms, if any, are to be announced at the sale.

Northeast Savings, F.A.
by its Attorney
Kevin F. Murphy, Esquire
31 Milk Street
Boston, MA 02109
March 13, 1992
(C)March26,April2,9
#3066

CITY OF CAMBRIDGE
TRAFFIC AND PARKING

By force of the power vested in me by Special Act of the Legislature of 1961 (Chapter 455), I hereby amend the Traffic Regulations of the City of Cambridge by adding the following regulation.

REGULATION NO. 92-11

Regulation No. 66-1 Schedule 10 "Parking Time Limited On Certain Sides of Certain Streets" is hereby amended by the following:

Remove:
Mass. Ave., south side, Sullivan Square to Bow Street, 8A-6P, 2 Hrs., Ex. Sun.
Add:
Mass. Ave., south side, Putnam Avenue to Arrow St., 8A-6P, 30 Min., Ex. Sun.
Mass. Ave., south side, Arrow St. to Bow St., 8A-6P, 2 Hrs., Ex. Sun.

This regulation shall take effect 27 April 1992.
Promulgated Date April 1, 1992

George Teso
Traffic Director
(C)April9,16,23
#5337

ORDINANCE NO. 1136
Final publication number 2584
First publication in the Chronicle on March 26, 1992

CITY OF CAMBRIDGE
In the Year One Thousand,
Nine Hundred Ninety-Two
AN ORDINANCE

In amendment to the ordinance entitled "Zoning Ordinances of the City of Cambridge."

Be it ordained by the City Council of the City of Cambridge as follows:

By adding a new Section 11.400 to be called the Kirkland Place Overlay District which shall read as follows:

11.400 Kirkland Place Overlay District

11.401 Establishment and Scope. There is hereby established the Kirkland Place Overlay District which shall be governed by the Regulations and procedures specified in this Section 11.400. These regulations are intended to provide a transition between the character and scale of the abutting transition between the character and scale of the abutting C-2 residential district and the development options possible in the base Residence C-3 zone. It is the intent of this Section that these regulations will apply to a single area located at the westerly edge of Kirkland Place, north of Kirkland Street and bounded and described as follows:

Amend the Zoning Map of the City of Cambridge by designating on the map as the Kirkland Place Overlay District that area bounded and described below:

Beginning at a point, said point being the intersection of the westerly street line of Kirkland Place and a line 135 feet distant from and parallel to the northerly street line of Kirkland Street. Thence running westerly 90 feet to a point, said point being the intersection of a line 135 feet distant from the parallel to the northerly street line of Kirkland Street and a line 90 distant from and parallel to the westerly street line of Kirkland Place 402 feet to a point, said point being the intersection of a line 90 feet distant from and parallel to the westerly street line of Kirkland Place and the northerly lot line of lot #45 as shown on Assessors' Plat #145. Thence turning and proceeding easterly along said northerly lot line to the northeasterly corner of said lot #45. Thence turning and running southerly along the easterly lot line of lot #45 to the intersection of the lot line and the circular part of Kirkland Place. Thence turning and proceeding southwesterly along the circular part of the westerly street line of Kirkland Place approximately 62.69 feet. Thence turning and running southerly along the western street line of Kirkland Place for a distance of approximately 327 feet, to the point of origin.

The affected premises: odd numbers 3-13 Kirkland Place, all or portions of lots numbered 21, 37, 38, 39, and 45 as shown on Assessors' Plat #145.

11.402 General Purpose. It is the purpose of this Section 11.400 to augment the existing ongoing regulations to respond to the unique problems and pressures for change particular to the Kirkland Place area. These regulations are intended to encourage retention of buildings of historic value and enhance the established streetscape; to maintain the visual character and open space patterns; and to provide sufficient regulatory flexibility to advance e the general purposes of this Section 11.402.

11.403 Applicability

The Kirkland Place Overlay District shall be an overlay district on the zoning map established by Section 3.20.

The buildings and land uses within said district shall be controlled by the pertinent regulations within the base zoning district, except as modified by the requirements of Section 11.400 which shall apply in addition to regulations imposed by the base zoning may designation. Where the base zoning regulations differ from requirements of this Section 11.400, the requirements of this Section shall apply. Divergence from the standards established in this Section may be allowed only by issuance of a Special Permit by the Planning Board as specified in Section 10.45. The Board may grant such a permit upon its determination that the development proposed will better serve the objectives of this Section 11.400 and that the criteria specified in Section 10.43 will be satisfied.

11.404 The Kirkland Place Overlay District shall be considered an area of special planning concern.

Development proposals listed in Subsection 11.42, Development Consultation Procedures, shall be subject to the Development Consultation Procedure specified in Section 11.40.

11.405 Use Regulations

Use Regulations of the Residence C-3 zoning designation shall apply in the Kirkland Place OVerlay District.

11.406 Dimensional Standards in the Kirkland Place Overlay District

11.406.1 Floor Area Ratio

The above ground floor area ration shall be the same as in the A-2 zoning district. The overall floor area ratio in the Overlay District shall be 3.0. Any floor area added in excess of .5 must be completely below grade.

11.406.2 Maximum Height.

The maximum height in the Overlay District shall be 35 feet.

11.406.3 Setbacks.

Building setbacks in the Overlay District shall be the same as in the Residence A-2 zoning district.

11.406.4 Useable Open Space

Open space requirements in the Overlay District shall be the same as in the Residence A-2 zoning district.

11.406.5 Nonconforming Structures.

Notwithstanding the provisions of Section 8.23, that portion of a legal nonconforming structure lying within the Kirkland Place OVerlay District which is destroyed or damaged by fire, explosion or other catastrophe may be rebuilt or restored and used again in the same way as it had been legally used immediately before the damage, without limit as to cost of such rebuilding or restoring provided the following conditions are met:

(a) any restoration or rebuilding shall commence within twelve (12) months after the catastrophe; and

(b) the structure shall be restored or rebuilt to the same design, including materials and design details as existed previously; or should the restoration not be feasible necessitating that the structure be rebuilt to a different design, said design shall be at least equal to the origin design of the structure in quality of materials used, the quantity and quality of design details employed, and the compatibility of the site design with abutting properties;

(c) the Community Development Department shall certify to the Superintendent of Buildings that the above conditions have been met.

Should the Community Development Department find that said conditions have not been met, the restoring or rebuilding shall require a special permit from the Board of Zoning Appeal.

The restored or rebuilt structure shall in no respect increase the nonconforming nature of the original structure; nothing in this Section, however, shall prohibit a rebuilding or restoring which reduces the nonconforming nature of the original structure.

In City Council April 6, 1992.

Passed to be ordained as amended by a yea and nay vote: Yeas 8; Nays 0; Absent 1.

Robert W. Healy, City Manager
Attest:-John E. Flynn
Deputy City Clerk
(C)April9
#5328

COMMONWEALTH OF MASSACHUSETTS
THE TRIAL COURT
THE PROBATE AND FAMILY
COURT DEPARTMENT
PROBATE OF WILL WITHOUT SURETIES
Middlesex Division DOCKET NO.92P1485E
Estate of **Anna E.Normie**
Died on February 20,1992
late of **Cambridge**
in the County of **Middlesex**

NOTICE

A petition has been presented in the above-captioned matter praying that a certain instrument purporting to be the last will of said deceased may be proved and allowed and that **Catherine G. Hinds of Cambridge** in the County of Middlesex be appointed executrix without giving surety on her bond.

If you desire to object to the allowance of said petition, you or your attorney must file a written appearance in said Court at Cambridge on or before 10:00 in the forenoon on April 28, 1992.

In addition you must file a written affidavit of objections to the petition, stating the specific facts and grounds on which the objection is based, within (30) days after the return day (or such other time as the Court, on motion with notice to the petitioner, may allow) in accordance with Probate Rule 16.

WITNESS, Sheila E. McGovern, Esquire, First Justice of said Court at Cambridge, the thirty first day of March in the year of our Lord one thousand nine hundred and ninety two

Donna M. Lambert
Register of Probate
(C)Apr9
#5344

MORTGAGEE'S SALE OF REAL ESTATE

By virtue and in execution of the power of sale contained in a certain mortgage given by **John A. Woodin** to Century Bank and Trust Company, dated July 17, 1987 and being recorded with Middlesex County (Southern District) Registry of Deeds, Book 18386, Page 65, of which mortgage the undersigned is the present holder, pursuant to an Assignment dated March 5, 1992, recorded with said Deeds on March 27, 1992 as instrument number 736, for breach of the conditions of said mortgage and for the purpose of foreclosing the same, will be sold at public auction at 2:00 p.m. on Friday, the 1st day of May 1992, on the mortgaged premises, being known and numbered as **352 Broadway, Cambridge, Massachusetts,** a portion of the mortgaged premises, and being described as follows:

TO WIT:

The land, together with all buildings and structures thereon and rights appurtenant thereto, known and numbered as 352-354 Broadway, and 7 Inman Place, Cambridge, County of Middlesex, Massachusetts, bounded and described as follows:

NORTHERLY by said Broadway, fifty (50) feet;

EASTERLY by land now or late of Mary A. Sullivan and by land now or late of J.A. Shaw, one hundred seventeen and 57/100 (117.57) feet, more or less;

SOUTHERLY by a passageway called Inman Place, fifty (50) feet;

WESTERLY by land now or formerly of Bridget Dana, one hundred and seventeen and 57/100 (117.57) feet, more or less.

For mortgagor's title reference, see deed recorded with Middlesex South Registry of Deeds in Book 18386, Page 64.

Said portion of mortgaged premises to be sold at public auction is further described as unit numbered 352 of the Broadway-Inman Condominium located at 352-354 Broadway, Cambridge, Middlesex County, Massachusetts, a condominium established pursuant to Massachusetts General Laws, Ch. 183A by Master Deed dated April 23, 1990 and recorded with Middlesex County (Southern District) Registry of Deeds at Book 20505, Page 320 ("Master Deed").

Said Unit 352 will be conveyed together with an undivided 34% interest in the common areas and facilities of the Condominium described in said Master Deed.

The aforesaid unit shall be conveyed together with:

1. An easement for the continuance of all encroachments by the Unit on any adjoining units or Common Elements now existing or which may come into existence as a result of settling of the Building, alteration, or repair to the Common Elements made by or with the consent of the Trustees, as a result of repair or restoration of the Building or a Unit after damage by fire or other casualty, or as a result of condemnation or eminent domain proceedings.

2. An easement in common with the owners of other units to use any pipes, wires, ducts, flues, cables, conduits, public utility lines, and other Common Elements located in any of the other units and serving the unit.

Said Unit shall be conveyed subject to:

1. Easements in favor of the adjoining units d in favor of the Common Elements for the continuance of all encroachments of such adjoining units or Common Elements on the Unit, now existing, or which may come into existence as a result of settling of the Building, alteration or repair to the Common Elements made by or with the consent of the Trustees, as a result of repair or restoration of the Building or a Unit after damage by fire or other casualty, or as a result of condemnation or eminent domain proceedings.

2. An easement in favor of the other units to use the pipes, wires, ducts, flues, conduits, cables, public utility lines, and other Common Elements located in the Unit and serving such other units.

3. The provisions of the Master Deed, Broadway-Inman Condominium Trust and By-Laws and floor plans of the Condominium recorded simultaneously with and as part of the Master Deed, as the same may be amended from time to time by instruments recorded in Middlesex South Registry of Deeds, which provisions, together with any amendments thereto, shall constitute covenants running with the land and shall bind many person having at any time any interest or estate in the Unit, his family, servants and visitors, as though such provisions were recited and stipulated at length herein.

The Unit is intended for residential purposes only. No use may be made of the Unit except as a residence for the Owner thereof, his permitted lessees, and the members of his immediate family, or for no more than two persons unrelated by blood or marriage.

Meaning and intending to specifically exclude Unit 7 at 7 Inman Place, Cambridge, Massachusetts, all as further described at the Master Deed.

Meaning and intending to specifically exclude Units 354-1 and 354-2 at 352-354 Broadway, **Cambridge, Massachusetts,** all as further described at the Master Deed.

The premises will be sold subject to and with the benefit of all easements, improvements, restrictions, municipal and unpaid taxes, outstanding tax titles, municipal liens, water and sewer charges, assessments, rights of tenants, and existing encumbrances of record created prior to the mortgage if any.

TERMS OF SALE:

A deposit of Fifteen Thousand ($15,000.00) Dollars by certified or bank cashier's check will be required to be made at the time and place of the sale. The balance upon delivery of the deed within **twenty (20) business days** thereafter at the law offices of Grossman & Grossman, One State Street, Suite 1050, Boston, Massachusetts.

The deposit paid at the time of the sale shall be forfeited if the purchaser does not comply strictly with the terms of the sale. The purchaser will be responsible for al closing costs, state documentary stamps and recording fees.

Other terms, if any, to be announced at the sale.

Jeffrey M. Stit,
Present Holder of said Mortgage,
By his Attorney,
Thomas A. Grossman, Esq.
Grossman & Grossman
One State Street, Suite 1050
Boston, MA 02109
(617) 523-5566
(C)April9,16,23
#5346

COMMONWEALTH OF MASSACHUSETTS
Middlesex, ss. Probate Court
No. 86P0630T

NOTICE OF FIDUCIARY'S ACCOUNT

To all persons interested in the estate of Anna G. Fletcher late of Cambridge, in said County, deceased.

You are hereby notified pursuant to Mass. R.Civ.P. Rule 72 that the 2nd thru 4th account of Lawrence Coolidge and William M.G. Fletcher, Trustees and the 1st account of Lawrence Coolidge, William M.G. Fletcher and Grant M. Roddy, Junior as Trustees (the fiduciaries) under the will of said deceased for the benefit of Henry F. Fletcher and others have been presented to said Court for allowance.

If you desire to preserve your right to file an objection to said accounts, you or your attorney must file a written appearance in said Court at Cambridge on or before the 29th day of April, 1992, the return day of the citation. You may upon written request by registered or certified mail to the fiduciaries, or to the attorney for the fiduciaries, obtain without cost a copy of said accounts. If you desire to object to any item of said accounts, you must, in addition to filing a written appearance as aforesaid, file within thirty days after said return day or within such other time as the Court upon motion may order a written statement of each such item together with the grounds for each objection thereto, a copy to be served upon the fiduciaries pursuant to Mass. R.Civ.P. Rule 5.

Witness, Sheila E. McGovern, Esquire, First Judge of said Court, this 26th day of March, 1992.

Donna M. Lambert
Register
(C)April9
#5345

MORTGAGEE'S NOTICE OF SALE OF REAL ESTATE

By virtue and in execution of the Power of Sale contained in a certain mortgage (the "Mortgage") given by **Mary A. Murphy** to BayBank Middlesex dated July 2, 1990 and recorded with the Middlesex County (Southern District) Registry of Deeds in Book 20636, Page 341, of which Mortgage the undersigned is the present holder, for breach of the conditions of said Mortgage and for the purpose of foreclosing, the same will be sold at public auction commencing at 1:00 P.M. on the 1st day of May, 1992 upon the mortgaged premises, being all and singular the premises described in said Mortgage, to wit:

The land with the buildings thereon situated in Cambridge, Middlesex County, Massachusetts, on the Westerly side of Cedar Street, shown as Lot 9 on a plan entitled, "Plan of Lots on the Old Race Course Land belong to S.G. Reed, situated in North Cambridge" W. A. Mason, Surveyor, which plan is recorded with Middlesex South District Registry of Deeds in Plan Book 28, Plan 19, bounded and described as follows:

EASTERLY on Cedar Street, 50 feet;

SOUTHERLY by Lot 10 on said plan, 183 feet, 6 inches;

WESTERLY by Lot 21 on said plan, 50 feet; and

NORTHERLY by Lot 8 on said plan, a distance of 183 feet, 6 inches.

Be all of said measurements more or less or however otherwise said premises may be bounded, measured or described.

For title see deed of Fred F. Labo et al, Executors under the Will of John Labo, dated March 7, 1986, recorded with said Deeds Book 16824, Page 235.

The mortgaged premises are known and numbered as **56 Cedar Street, Cambridge, Massachusetts.**

The mortgaged premises are to be sold subject to and with the benefit of all easements, restrictions, building and zoning laws, unpaid taxes, tax titles, water rates, municipal liens and assessments, rights of tenants and parties in possession, existing encumbrances, and all other claims in the nature of liens, now existing or hereafter arising, having priority over the Mortgage, if any there be. The mortgaged premises are also sold subject to the right of redemption of the United States of America, if any there be.

TERMS OF SALE: A deposit of Five Thousand and 00/100 ($5,000.00) Dollars shall be required to be made to the mortgagee in cash, by certified check or by bank cashier's check at the time and place of sale. The balance of the purchase price is to be paid to the mortgagee in cash; by certified check or by bank cashier's check in or within thirty (30) days from the date of the sale, with time being of the essence.

Other terms if any, to be announced at the sale.

BayBank, f/k/a BayBank Middlesex
Present Holder of said Mortgage,
By Its Attorneys
Riemer & Braunstein
Michael J. Dinga
Three Center Plaza
Boston, Massachusetts 02108
(617) 523-9000
April 7, 1992
(C)April9,16,23
#5327

CITY OF CAMBRIDGE
PURCHASING DEPARTMENT

Sealed proposals will be received at the Office of the Purchasing Agent, Room 303, City Hall, Cambridge, Mass., until 11:00 o'clock A.M. Thursday, April 23, 1992 at which time and place they will be publicly opened and read for furnishing the following to the City of Cambridge.

Electronic Embossing System
Umpire Services
Radiographer Services
White Athletic Field Paint
Renovations at the Building and Ground Buildings

See proposal for bid deposit.

The City of Cambridge reserves the right to waive any informalities or to reject any or all proposals.

Specifications may be obtained at the Office of the Purchasing Agent, Room 303, City Hall, Cambridge, Mass.

Each proposal must be in a sealed envelope plainly marked "Proposal for 'Designate Item' " and addressed to Barbara L. Duffy, Purchasing Agent, City Hall, Cambridge, Massachusetts.

Barbara L. Duffy
Purchasing Agent
(C)April9
#5340

COMMONWEALTH OF MASSACHUSETTS
THE TRIAL COURT
THE PROBATE AND FAMILY COURT
DEPARTMENT
Middlesex Division Docket No.
91P3682GI

Notice of
GUARDIANSHIP - MENTALLY ILL -
WITHOUT SURETIES
NOTICE

To **William G. Dellapiana of Cambridge** in said **County Middlesex** and heirs apparent or presumptive:

A petition has been presented in the above-captioned matter alleging that said William G. Dellapiana is a mentally ill person and praying that Marion Dellapiana of Cambridge in the County of Middlesex or some other suitable person be appointed his guardian, of the person only.

If you desire to object to the allowance of said petition, you or your attorney must file a written appearance in said Court at Cambridge on or before April 22, 1992.

Witness, Sheila E. McGovern, Esquire, First Justice of said Court at Cambridge the twenty fourth of March, in the year of our Lord one thousand nine hundred and ninety two.

Donna M. Lambert
Register of Probate Court
(C)April9
#5338

COMMONWEALTH OF MASSACHUSETTS
THE TRIAL COURT
PROBATE AND FAMILY
COURT DEPARTMENT
Middlesex Division Docket No. 120490

NOTICE OF FIDUCIARY'S ACCOUNT

To all persons interested in the estate of William B. Lambert late of Cambridge, in said County, deceased.

You are hereby notified pursuant to Mass. R.Civ.P. Rule 72 that the 40th and 41st and final accounts of John W. Teele and Edwin D. Brooks, Junior as Trustees (the fiduciaries) under the will of said deceased for the benefit of Annie R. Lambert and others have been presented to said Court for allowance.

If you desire to preserve your right to file an objection to said accounts, you or your attorney must file a written appearance in said Court at Cambridge on or before the 28th day of April, 1992, the return day of this citation. You may upon written request by registered or certified mail to the fiduciaries, or to the attorney for the fiduciaries obtain without cost a copy of said account. If you desire to object to any item of said accounts, you must, in addition to filing a written appearance as aforesaid, file within thirty days after said return day or within such other time as the Court upon motion may order a written statement of each such item together with the grounds for each objection thereto, a copy to be served upon the fiduciaries pursuant to Mass. R.Civ.P. Rule 5.

Witness, Sheila E. McGovern, Esquire, First Judge of said Court, this 24th day of March, 1992.

Donna M. Lambert
Register
(C)April9
#5374

COMMONWEALTH OF MASSACHUSETTS
THE TRIAL COURT
THE PROBATE AND FAMILY
COURT DEPARTMENT
Middlesex Division Docket No.
92D0841

ORDER FOR SERVICE BY PUBLICATION
Mariano Rosario, Plaintiff
vs.
Catherine M. Rosario, Defendant

Upon motion of plaintiff for an order directing Catherine M. Rosario, the defendant herein, to appear, plead or answer, in accordance with Mass.R.Civ.P./Mass.R.Dom.Rel.P. Rule 4, it appearing to the Court that this is an action - to dissolve the bonds of matrimony - for separate support and maintenance - alimony - for custody of and allowance for minor children - for conveyance of real or personal property located within the Commonwealth - that the said defendant cannot be found within the Commonwealth and that her present whereabouts are unknown; that personal service on said defendant is therefore not practicable, and that said defendant has not voluntarily appeared in this action; it is

Ordered that said defendant is directed to appear, plead, answer or otherwise move with respect to the complaint herein on or before the twenty-nine day of June, 1992, or in default thereof this Court will proceed to the hearing and adjudication of this suit;

Ordered that the accompanying summons be published in the Cambridge Chronicle once a week for three consecutive weeks beginning April 6, 1982, and it is further

Ordered that a copy of the summons be mailed to the defendant at her last known address by registered or certified mail.

Date: March 31, 1992

Sheila E. McGovern
Justice of the Probate and Family Court
(C)April9,16,23
#5369

SAUL AND GITTA KURLAT
CHARITABLE FOUNDATION

The annual report of the Saul and Gitta Kurlat Charitable Foundation will be available at the Foundation's office for inspection during regular business hours by any citizen who requests inspection as of May 15, 1992 and for 180 days thereafter. The address and telephone number of the Foundation's office at which its annual report will be available and the manager responsible for publishing this notice is Gitta Kurlat, One Boston Place, Boston, Massachusetts (617) 742-3644.
(C)April9
#5339

COMMONWEALTH OF MASSACHUSETTS
PROBATE COURT
Middlesex Division DOCKET NO. 85P-5492E

To all persons interested in the estate of **Frank Williams,** also known as Frank E. Williams, late of **Cambridge** in the said county,deceased.

A petition has been presented to said court, praying that **Enoch Woodhouse II** be removed from his office as executor and that **Dorothy W.Klng of Cambridge** in the county of Middlesex or some other suitable person, be appointed his successor.

If you desire to object thereto you or your attorney should file a written appearance in said court at Cambridge before 10 o'clock in the forenoon on the twenty eighth day of April 1992, the return day of this citation.

Witness, Sheila E. McGovern, Esquire, First Judge of said Court, this twenty sixth day of March 1992.

Donna M. Lambert
Register of Probate
(C) Apr.9
#5366

CITY OF CAMBRIDGE
RENT CONTROL BOARD
AMENDMENT TO REGULATION 45-08
45-08 The Board on its motion may initiate an action, or any person or organization may file a Complaint, alleging that any person has removed or is removing a controlled rental unit from the market without a removal permit.

AMENDMENT TO REGULATION 62-01
62-01 If the tenant is of low or moderate income or is elderly, the board may decide to issue the Certificate of Eviction up to six months after its decision. Otherwise, the Board may delay issuance up to two months, except that in situations of extreme hardship to the tenant, the Board may delay issuance up to six months. In considering whether to delay issuance the Board shall consider the circumstances of the tenant, cause of eviction, and prejudice to the landlord. This regulation shall not apply to Certificates of Eviction issued pursuant to Section 9(a)(1) of the Act or for failure to pay a rent increase or for chronic late payment of rent under section 9(a)(1)(f) of the Act, unless the tenant can demonstrate to the Board's satisfaction, at or prior to the Board hearing, that an identifiable source will provide the full amount owed within a reasonable length of time of the Board hearing.

Approved by the Board 5-0 on March 25, 1992.
Effective as of March 31, 1992.
(C)April9
#5367

LEGAL NOTICE

To **John Croake** of 116 Norfolk Street Cambridge, MA 02139 B&B Towing Co, 41 Mooney Street Cambridge, MA 02138 has in its possession a **1981 Ford Granda** I.D. Number IFABP26DOBG149568 and last registered to you in 1991 registration #813-AEY.

This vehicle has been in the possession of B&B Towing Co, Inc since September 9th, 1991 and has not been claimed after due notice.

This vehicle will be sold at private sale at B&B Towing Co, Inc, 41 Mooney Street, Cambridge, MA on April 16, 1992.

B&B Towing Co, Inc:
Michael Sorrentino
Owner & Officer
(C)April9,16,23
#5373

COMMONWEALTH OF MASSACHUSETTS
THE TRIAL COURT
THE PROBATE AND FAMILY COURT
DEPARTMENT
Middlesex ss. Division Docket No.
92P1447GM

NOTICE OF GUARDIANSHIP - MINOR -
WITHOUT SURETIES
NOTICE

To all persons interested in **Kyon C. Rogers and Sherla A. Rogers** both of **Cambridge** in said County Middlesex, minors.

A petition has been presented in the above-captioned matter praying that **Joan Rogers of Cambridge** in the county of Middlesex be appointed guardian of said minors with custody without surety on her bond.

If you desire to object to the allowance of said petition, you or your attorney must file a written appearance in said Court at Cambridge on or before June 23, 1992.

Witness, Sheila E. McGovern, Esquire, First Justice of said Court at Cambridge, the twenty fifth day of March, in the year of our Lord one thousand nine hundred and ninety two.

Donna M. Lambert
Register of Probate
(C)April9
#5371

COMMONWEALTH OF MASSACHUSETTS
THE TRIAL COURT
THE PROBATE AND FAMILY COURT
DEPARTMENT
ADMINISTRATION WITH SURETIES
Middlesex Division DOCKET NO.92P1617A
Estate of **Bernadette Frances Hanton**
Died March 1,1992
late of **Cambridge**
in the County of Middlesex
NOTICE

A petition has been presented in the above-captioned matter praying that **Regina Ann Towner of Boston** in the County of Suffolk or some other suitable person be appointed administrator of the estate of said deceased.

If you desire to object to the allowance of said petition, you or your attorney must file a written appearance in said Court at Cambridge on or before 10:00 in the forenoon on April 29, 1992.

Witness, Sheila E. McGovern, Esquire, First Justice of said Court at Cambridge, the twenty seventh day of March in the year of our Lord one thousand nine hundred and ninety two

Donna M. Lambert
Register of Probate
(C)Apr.9
#5360

NOTICE OF SALE
TO: VALMYR ELIANTUS
2944 S. RIO GRANDE AVE.
APT. C
ORLANDO, FLA. 32805

Pat's Tow Service, Inc. of 112 Sidney Street, Cambridge, Ma. 02139 has in its possession a **1984 Nissan,** Vehicle ID #JN1HO1S4ET214344, and last registered in 1991 as AWV956 Fla.

This vehicle has been in the possession of Pat's Tow Service since May 6, 1991, and has not been claimed after due notice.

This vehicle will be sold at public sale, at Pat's Tow Service, Inc., 112 Sidney St., Cambridge, Ma. 02139 on April 10, 1992.

Walter Tauro
Pat's Tow Service, Inc.

(C)March19,26,April2
#3019

MORTGAGEE'S SALE OF REAL ESTATE

By virtue and in execution of the Power of Sale contained in a certain mortgage given by **James L. Neal** and **Joanne Neal** to The Boston Five Cents Savings Bank FSB dated March 21, 1989 recorded with the Middlesex (Southern District) Registry of Deeds at Book 19710, Page 361, of which mortgage the undersigned is the present holder for breach of the conditions of said mortgage and for the purpose of foreclosing the same will be sold at Public Auction at 10:00 o'clock, A.M. on April 16, 1992 upon the mortgaged premises hereafter described all and singular the premises described in said mortgage.

TO WIT:

"Condominium Unit #502 in the River Court Condominium ("the Condominium"), situated and with a post office address of **Unit #502, 10 Rogers Street, Cambridge, Middlesex County, Massachusetts,** created by Master Deed recorded with Middlesex South Registry of Deeds in Book 19366, Page 285, as amended by instruments of record if any ("Master Deed") in accordance with and subject to the ("Chapter 183A"). The Unit is more particularly described in the Master Deed as shown on the plans recorded simultaneously with the Master Deed, and is hereby conveyed together with the Unit Owner's undivided interest in the common areas and facilities (the "common areas and facilities") as set forth in the Master Deed and together with any other rights set forth in the Master Deed or the Unit Deed, including the exclusive easements to parking spaces and storage spaces, if any.

The Unit and such undivided .7585% percentage interest in the common areas and facilities are conveyed with the benefit of and subject to the rights, easements, restrictions, covenants, agreements, obligations, conditions, and other provisions referred to or set forth in the Master Deed, the provisions of the instrument establishing the Unit Owner's organization formed in accordance with Section 10 of Chapter 183A, the By-laws contained therein and any rules and regulations promulgated thereto, insofar as the same are now in force and applicable."

For title reference see deed of Jonathan G. Davis, Trustee of River Court Development Trust, dated March 20, 1989 recorded with Middlesex (Southern District) Registry of Deeds at Book 19710, Page 353.

Together with all the improvements now or hereafter erected on the property, and all easements, rights, appurtenances, rents, royalties, mineral, oil and gas rights and profits, water rights and stock and all fixtures now or hereafter a part of the property. All replacements and additions shall also be covered by this Security Instrument. All of the foregoing is referred to in this Security Instrument as the "Property."

Said premises is now know as and numbered Unit No. 502, River Court Condominium, 10 Rogers Street, Cambridge, Massachusetts.

TERMS OF SALE:

Said premises will be sold subject to any and all unpaid taxes and assessments, tax sales, tax titles and other municipal liens and water liens, and restrictions and easements of record if any there are, and Ten Thousand ($10,000.00) Dollars in cash, treasurer's check or certified check will be required to be paid by the purchaser (unless the holder of the mortgage is the successful bidder) at the time and place of sale as a non-refundable deposit and the balance will be due in thirty (30) days. The Buyer shall pay all costs of recording the deed including, without limitation, all state transfer stamp charges.

Other terms to be announced at the time and place of sale.

Dated: March 10, 1992

East Cambridge Savings Bank
(Present holder of said mortgage)
By: John P. Allen,
Senior Vice President
Harrison & Maguire, P.C.
24 School Street
Boston, MA 02108
617-742-3810

(C)March12,19,26
#3005

COMMONWEALTH OF MASSACHUSETTS
THE TRIAL COURT
THE PROBATE AND FAMILY COURT
DEPARTMENT

Middlesex Division **Docket No. 90D2912**

CONTEMPT SUMMONS
John J. Kao Plaintiff
v.
Kuyas Emiloglu Kao Defendant

On motion of the plaintiff for an order,
To the above-named defendant:

You are ordered to appear at a Probate Court to be held at Cambridge in said COunty of Middlesex on April 13, 1992 at ten o'clock in the forenoon to show cause why you should not be held in civil and/or criminal contempt, the penalty of which may be a jail sentence.

You are hereby summoned and required to serve upon David H. Lee, plaintiff's attorney, whose address is 222 Berkeley St., Boston, MA, your answer if any, to the complaint which is herewith served upon you, within 7 days after serve of this summons upon you, exclusive of the day of service. You are also required to file your answer, if any, to the complaint in the office of the Register of this Court at Cambridge either before service upon plaintiff's attorney or within a reasonable time thereafter.

Failure to appear on this date may result in the issuance of an order for your arrest.

If the Court finds after a hearing that you are in the aggregate more than four weeks in arrears in court-ordered support payments, the Court may, as a condition of disposition, order you to assign a portion of your periodic earnings to the person entitled to receive said support or the person designated by the Court to receive such payments. This assignment is authorized under MGL Chapter 208, Section 36 and Chapter 209, Section 32E.

Witness, Sheila E. McGovern, Esq., First Justice of said Court at Cambridge.
March 5, 1992

Donna M. Lambert
Register of Probate

(C)March12,19,26
#6796

MORTGAGEE'S SALE OF REAL ESTATE

By virtue and in execution of the Power of Sale contained in a certain mortgage given by **Yves A. Isidore** to Citicorp Mortgage, Inc. dated March 28, 1989 and recorded with the Middlesex South County Registry of Deeds in Book 19728, Page 22 of which mortgage the undersigned is the present holder, for breach of the conditions of said mortgage and for the purpose of foreclosing the same will be sold at public auction at 10:00 a.m. on the 8th day of April, 1992, on the premises now known and numbered as **151 Cherry Street, Cambridge, Massachusetts,** all and singular the premises described in said mortgage,

To wit:

A certain parcel of land with the buildings thereon situate on Cherry Street, in Cambridge, Middlesex County, Massachusetts, bounded and described as follows:

EASTERLY by Cherry Street, 30.5 feet;

NORTHERLY by land now or formerly of Barnes, 54.00 feet;

WESTERLY by Lot 1B as shown on plan hereinafter mentioned, 30.5 feet; and

SOUTHERLY by Lot 1A as shown on said plan by a line running through the center between the structure on Lot 1A and the structure on Lot 2A, a distance of 54.00 feet.

Containing 1,647 square feet of land.

Said parcel is shown as Lot 2A on a plan entitled "Subdivision Plan Cambridge, Mass." dated April 30, 1986 and revised on November 20, 1986 by Wendell H. Mason, Prof. Land Surveyor, 122 Essex Street, Beverly, MA 01915 and recorded with the Middlesex South District Registry of Deeds in Book 18141, Page 362.

Lot 2A is subject to an 8.0 foot wide Access Easement as shown on said Plan for the benefit of Lot 1B as shown on said Subdivision Plan.

Said premises are subject to covenants and restrictions recorded with said Deeds in Book 18141, Page 365.

For title see deed from Ifeanyi A. Menkiti to Yves A. Isidore dated March 28, 1989 recorded at said Deeds in Book 19728, Page 21.

The above-described premises shall also be sold subject to, and with the benefit of, all restrictions, easements, rights of others, unpaid taxes, outstanding tax titles, assessments, liens or claims in the nature of liens, municipal liens, and existing encumbrances of record created prior to the mortgage, if any there be. In the event of any typographical errors in the publication of this notice, the description in the mortgage shall control.

Terms of Sale: The amount of Five Thousand and no/100 ($5,000.00) Dollars is to be paid in cash or certified and/or cashier's check by the purchaser at the time and place of sale. The balance of the purchase price is to be paid upon delivery of the deed within twenty (20) days of the date of sale. Other terms, if any, shall be announced at the sale.

Dated: March 6, 1992

Signed: Citicorp Mortgage, Inc.
Mortgage and Present Holder
By its attorney
John T. Smolak
Warner & Stackpole
75 State Street
Boston, Massachusetts 02109
(617) 951-9000

(C)March12,19,26
#2663

COMMONWEALTH OF MASSACHUSETTS

Middlesex ss. **Probate Court**
No. 91D1802D1

Kahar Barat Plaintiff
vs.
Reshida Mereet Defendant

To the above-named Defendant:

A complaint has been presented to this Court by your spouse, Kahar Barat, seeking a divorce.

You are required to serve upon Kristen Lasker, plaintiff's attorney, whose address is 44 Sacramento Street, Cambridge, Massachusetts 02138 your answer on or before June 1, 1992. If you fail to do so, the Court will proceed to the hearing and adjudication of this action. You are also required to file a copy of your answer in the office of the Register of this Court at Cambridge.

Witness, Sheila E. McGovern, Esq., First Judge of said Court at Cambridge.
March 4, 1992

Donna M. Lambert
Register of Probate

(C)March12,19,26
#6797

CITY OF CAMBRIDGE
TRAFFIC AND PARKING

By force of the power vested in me by Special Act of the Legislature of 1961 (Chapter 455), I hereby amend the Traffic Regulations of the City of Cambridge by adding the following regulation.

REGULATION NO. 92-08

Regulation No. 66-1 Schedule 3 "One Way Streets" is hereby amended by correcting the following:

Tufts Street reads: Pearl Street to Magazine Street, northwesterly
change to: Magazine Street to Pearl Street, southeasterly

This regulation shall take effect 30 March 1992.

Promulgated Date: March 4, 1992

George Teso
Traffic Director

(C)March12,19,26
#2662

NOTICE OF PUBLIC HEARING

The Massachusetts Higher Education Coordinating Council acting under the provisions of General Laws Chapter 69, Section 30, et. seq., will conduct a Public Hearing on April 6, 1992, at 10:00 a.m. at the office of the Higher Education Coordinating Council, Room 1401, McCormack Building, One Ashburton Place, Boston, Massachusetts, for the purpose of determining whether the Higher Education Coordinating Council will approve the Articles of Amendment of **Longy School of Music** located in Cambridge, Massachusetts to grant the degree of Master of Music.

Massachusetts Higher Education
Coordinating Council
Paul Marks, Chancellor

(C)March19,26,April2
#3064

COMMONWEALTH OF MASSACHUSETTS

Middlesex, ss **Probate Court**
Case No. 91A0780-T

To the alleged father of persons unknown of **Baby Boy Harris,** a minor child received by The Adoption Center, Inc. under the provisions of General Laws, Chapter 119, Section 23. A petition has been presented to said Court by Judith Muzzioli Bailey, Executive Director of Cambridge praying that said Court establish that the consent of said alleged father shall not be required upon a petition for adoption of said minor sponsored by your petitioner, as provided by the General Laws, Chapter 210, Section 3, as most recently amended.

If you desire to object thereto, you or your attorney should file a written appearance in said Court at Cambridge before ten o'clock in the forenoon on the 18th day of May 1992, the return day of this citation.

Witness, Sheila E. McGovern, Esquire, First Judge of said Court, this 10th day of March 1992.

Donna M. Lambert
Register

(C)March19,26,April2
#3042

NOTICE OF MORTGAGEE'S SALE OF REAL ESTATE

By virtue and in execution of the Power of Sale contained in a certain mortgage given by JEB Corporation to J.B. Financial Services, Inc., d/b/a **J.B. Financial Services** dated December 28, 1989 and recorded with the Middlesex South District Registry of Deeds in Book 20326, Page 047 of which mortgage the undersigned is the present holder for breach of the conditions of said mortgage and for the purpose of foreclosing, the same will be sold at Public Auction at 10:00 o'clock A.M. on the tenth day of April, A.D. 1992, on the mortgaged premises described below, being known as **149-151 Putnam Avenue, Cambridge, Massachusetts** all and singular the premises described in said mortgage, to wit: the land in Cambridge, with the buildings thereon, situated in Cambridge, on the Westerly side of Putnam Avenue and being marked "A" on a sketch of property in Cambridge, belonging to Bridget Culhane, Henry T. Burrage, Surveyor, dated April 26, 1926, recorded with Middlesex South District Deeds, Plan Book 374, Plan 4 bounded and described as follows:

EASTERLY by said Putnam Avenue, forty-two (42) feet;

SOUTHERLY by land now or formerly of Edward Murphy, seventy-one (71) feet;

WESTERLY by Lot marked "B" on said plan, forty-one (41) feet; and

NORTHERLY in part by Lot "B" on said plan and in part by land now or formerly of Dora Snyder, seventy-two and 45/100 feet, or however otherwise bounded, measured or described.

Containing 2947 square feet of land. The premises are conveyed subject to and with benefit of all easements and restrictions of record so far as the same are now in force and applicable.

The Mortgagee reserves the right to postpone the sale to a later date by public proclamation at the time and date appointed for the sale and to further postpone at any adjourned sale date by public proclamation at the time and date appointed for the adjourned sale date.

Said premises will be sold subject to and with the benefit of all restrictions, easements, improvements, building and zoning laws, outstanding tax titles, mortgages, liens, rights of tenants and parties in possession, unpaid taxes, municipal liens and other public taxes, assessments or liens, now existing or hereafter arising, having priority over the mortgage described herein, if any there be.

TERMS OF SALE: Ten Thousand ($10,000.00) Dollars will be required to be paid in cash or by certified check, bank treasurer's check or bank cashier's check at the time and place of sale by the purchaser as a deposit on the full purchase price and a Memorandum of Sale shall be executed thereupon by said successful bidder. The Auction shall not be closed until the successful bidder has made the deposit and executed the Memorandum of Sale. The deposit of the successful bidder shall be fully accounted for at the time the balance of the purchase price is paid. The balance of any purchase price due under any Memorandum of Sale shall be paid in cash or by certified check, bank treasurer's check or bank cashier's check within thirty (30) days of the date of the sale and shall be deposited in escrow with the firm of Law Offices of Paul Thomas Kearns at Bulfinch Square, 43 Thorndike Street, Cambridge, MA, unless otherwise agreed in writing. In the event that the successful bidder(s) at the foreclosure sale shall default in purchasing the within described property according to the terms of this Notice of Mortgagee's Sale of Real Estate and/or the terms of the Memorandum of Sale executed at the public auction, the Mortgagee reserves the right, at its election, to sell the mortgaged premises which are the subject of such default by Foreclosure Deed to the respective second highest bidder at said auction upon the same terms and conditions as described above. The description for the premises contained in said mortgage shall control in the event of a typographical error in this publication.

Other terms, if any, to be announced at sale.

J.B. Financial Services, Inc.
present holder of said mortgage,
by its attorney,
Paul Thomas Kearns, Esquire
Law Offices of Paul Thomas Kearns
Bulfinch Square
43 Thorndike Street
Cambridge, MA
Tel. (617) 494-8700

(C)March19,26,April2
#3079

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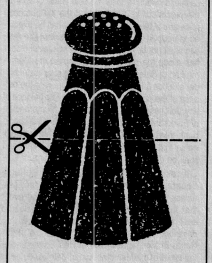

American Heart Association

COMMONWEALTH OF MASSACHUSETTS
Middlesex, ss. Probate Court
No. 91P0618AT

NOTICE OF FIDUCIARY'S ACCOUNT

To all persons interested in the estate of **Richard Wayne Parker** late of Jensen Beach in the County of St. Lucia, Florida, leaving an Estate in Cambridge in the County of Middlesex.

You are hereby notified pursuant to Mass. R.Civ.P. Rule 72 that the 1st and final account of Dolores A. Parker - Special Administratrix (the fiduciary) of said estate under the will of said deceased has been presented to said Court for allowance.

If you desire to preserve your right to file objection to said account, you or your attorney must file a written appearance in said Court at Cambridge on or before the 6th day of April, 1992, the return day of this citation. You may upon written request by registered or certified mail to the fiduciary, or to the attorney for the fiduciary, obtain without cost a copy of said account. If you desire to object to any item of said account, you must, in addition to filing a written appearance as aforesaid, file within thirty days after said return day or within such other time as the Court upon motion may order a written statement of each such item together with the grounds for each objection thereto, a copy to be served upon the fiduciary pursuant to Mass. R.Civ.P. Rule 5.

Witness, Sheila E. McGovern, Esquire, First Judge of said Court, this 12th day of March, 1992.

Donna M. Lambert
Register

(C)March26
#3090

COMMONWEALTH OF MASSACHUSETTS
LAND COURT
DEPARTMENT OF THE TRIAL COURT
(SEAL)

Case No. 176390

To **James H. Piatt**; **Patricia A. Cole, a/k/a Patricia A. Cole-Piatt**; and to all persons entitled to the benefit of the Soldiers' and Sailors' Civil Relief Act of 1940 as amended: Mortgage Investors Funding Trust I By: Congress Realty Financial Limited Partnership By: Congress Realty Financial Corp., its General Partner claiming to be the holder of a mortgage covering real property in **Cambridge, MA numbered 50 Grozier Road**, Unit 2 given by James H. Piatt and Patricia A. Cole-Piatt to Mortgage Investors Corp. dated November 24, 1986 and recorded with Middlesex County (Southern District) Registry of Deeds at Book 17617, Page 297 and taken by plaintiff by assignment has filed with said court a complaint for authority to foreclose said mortgage in the manner following: by entry and possession and exercise of power of sale.

If you are entitled to the benefits of the Soldiers' and Sailors' Civil Relief Act of 1940 as amended and you object to such foreclosure you or your attorney should file a written appearance and answer in said court at Boston on or before the 27th day of April 1992, or you may be forever barred from claiming that such foreclosure is invalid under said act.

Witness, John E. Fenton, Jr., Chief Justice of said Court this 13th day of March 1992.

Charles W. Trombly, Jr.
Recorder

(C)March26
#3118

MORTGAGEE'S SALE OF REAL ESTATE

By virtue and in execution of the Power of Sale contained in a certain mortgage given by **James. A. Enos** to Northeast Savings, F.A., dated August 3, 1989, recorded with the Middlesex County (Southern District) Registry of Deeds in Book 19990 Page 419 of which mortgage the undersigned is the present holder, for breach of the conditions of said mortgage and for the purpose of foreclosing the same will be sold at Public Auction at 10:00 o'clock a.m. on the 16th day of April, A.D., 1992, on the premises described therein, to wit, **19 Muller Avenue, Cambridge, Middlesex County, Massachusetts,** the premises described in said mortgage, together with all the rights, easements, and appurtenances thereto, to wit:

The land and buildings thereon located in Cambridge, Middlesex County, Massachusetts, known as 19-21 Muller Avenue and shown as Lot 11 on a plan entitled, "Subdivision of Land in Cambridge, Massachusetts, for Devries and Legel", by Donald J. Reardon, Surveyor, dated July 31, 1928 and recorded with Middlesex South District Registry of deeds, at the end of Book 5287.

SOUTHWESTERLY by Muller Avenue, twenty-five and 9/100 (25.09) feet;

SOUTHWESTERLY by Muller Avenue, fifteen and 9/10 (15.9) feet;

NORTHWESTERLY by Lot 10 as shown on said plan, eighty-one and 3/10 (81.3) feet;

NORTHEASTERLY by land of owners unknown, forty-eight (48) feet;

SOUTHEASTERLY by Lot 12 as shown on said plan, eighty-nine (89) feet.

Containing in all 3,729 square feet, as shown on said plan.

Together with the right to use Muller Avenue for all purpose (sic) for which private way (sic) are ordinarily used in the City of Cambridge, in common with others entitled thereto.

Terms of Sale: These premises are being sold subject to any and all unpaid real estate taxes, water rates, municipal charges and assessments, federal and/or state tax liens, partition wall rights, statutes, regulations, zoning, subdivision control, or other municipal ordinances or bylaws respecting land use, configuration, building or approval, or ordinances regarding the presence of lead paint, asbestos, sanitary codes, housing codes, or tenancy.

Purchaser shall also bear all state and county deeds excise tax. The deposit of $20,000.00 is to be paid in cash or bank or certified check at the time and place of the sale, with the balance to be paid by bank or certified check on or before May 28, 1992, to be deposited in escrow with Kevin F. Murphy, Esquire, at 31 Milk Street, Boston, Massachusetts.

Other terms, if any, are to be announced at the sale.

Northeast Savings, F.A.
by its Attorney
Kevin F. Murphy, Esquire
31 Milk Street
Boston, MA 02109
March 13, 1992

(C)March26,April2,9
#3066

FIRST PUBLICATION NO. 2579
CITY OF CAMBRIDGE
In the Year One Thousand,
Nine Hundred Ninety-Two
AN ORDINANCE

In amendment to the ordinance entitled "Zoning Ordinances of the City of Cambridge."

Be it ordained by the City Council of the City of Cambridge as follows:

By adding a new Section 11.400 to be called the Kirkland Place Overlay District which shall read as follows:

11.400 Kirkland Place Overlay District

11.401 Establishment and Scope. There is hereby established the Kirkland Place Overlay District which shall be governed by the regulations and procedures specified in this Section 11.400. These regulations are intended to provide a transition between the character and scale of the abutting A-2 residential district and the development options possible in the base Residence C-3 zone. It is the intent of this Section that these regulations will apply to a single area located at the westerly edge of Kirkland Place, north of Kirkland Street and bounded and described as follows:

Beginning at a point said point being the intersection of the westerly street line of Kirkland Place and a line 135 feet distant from and parallel to the northerly street line of Kirkland Street. Thence running westerly 90 feet to a point said point being the intersection of a line 135 feet distant from and parallel to the northerly street line of Kirkland Street and a line 90 feet distant from and parallel to the westerly street line of Kirkland Place. Thence turning and running northerly along the line 90' distant from and parallel to the westerly street line of Kirkland Place 402 feet to a point said point being the intersection of a line 90' distant from and parallel to the westerly street line of Kirkland place and the northerly lot line of lot #45 as shown on Assessors' Plat #145. Thence, turning and proceeding easterly along said northerly lot line to the northeasterly corner of said lot #45. Thence turning and running southerly along the easterly lot line of lot #45 to the intersection of the lot line and the circular part of Kirkland Place. Thence, turning and proceeding southwesterly along circular part of westerly street line of Kirkland Place approximately 62.69 feet. Thence, turning and running southerly along the western street line of Kirkland Place for a distance of approximately 327 feet, to the point of origin.

The affected premises: odd numbers 3-13 Kirkland Place, all or portions of lots numbered 21, 37, 38, 39, and 45 as shown on Assessors' Plat #145.

11.402 General Purpose. It is the purpose of this Section 11.400 to augment the existing zoning regulations to respond to the unique problems and pressures for change particular to the Kirkland Place area. These regulations are intended to encourage retention of buildings of historic value and enhance the established streetscape; to maintain the visual character and open space patterns; and to provide sufficient regulatory flexibility to advance the general purposes of this Section 11.402.

11.403 Applicability

The Kirkland Place Overlay District shall be an overlay district on the zoning map established by Section 3.20.

The buildings and land uses within said district shall be controlled by the pertinent regulations within the base zoning district, except as modified by the requirements of Section 11.400 which shall apply in addition to regulations imposed by the base zoning map designation. Where the base zoning regulations differ from requirements of this Section 11.400, the requirements of this Section shall apply. Divergence from the standards established in this Section may be allowed only by issuance of a Special Permit by the Planning Board as specified in Section 10.45. The Board may grant such a permit upon its determination that the development proposed will better serve the objectives of this Section 11.400 and that the criteria specified in Section 10.43 will be satisfied.

11.404 The Kirkland Place Overlay District shall be considered an area of special planning concern.

Development proposals listed in Subsection 11.42, Development Consultation Procedures, shall be subject to the Development Consultation Procedure specified in Section 11.40.

11.405 Use Regulations

Use Regulations of the Residence C-3 zoning designation shall apply in the Kirkland Place Overlay District.

11.406 Dimensional Standards in the Kirkland Place Overlay District

11.406.1 Floor Area Ratio

The above ground floor area ratio shall be the same as in the A-2 zoning district. The overall floor area ration in the Overlay District shall be 3.0. Any floor area created in excess of .5 must be completely below grade.

11.406.2 Maximum Height.

The maximum height in the Overlay District shall be 35 feet.

11.406.3 Setbacks.

Building setbacks in the Overlay District shall be the same as in the Residence A-2 zoning district.

11.406.4 Useable Open Space.

Open space requirements in the Overlay District shall be the same as in the Residence A-2 zoning district.

11.406.5 Nonconforming Structures.

Notwithstanding the provisions of Section 8.23, that portion of a legal nonconforming structure lying within the Kirkland Place Overlay District which is destroyed or damaged by fire, explosion or other catastrophe may be rebuilt or restored and used again in the same way as it had been legally used immediately before the damage, without limit as to cost of such rebuilding or restoring provided the following conditions are met:

(a) any restoration or rebuilding shall commence within twelve (12) months after the catastrophe; and

(b) the structure shall be restored or rebuilt to the same design, including materials and design details as existed previously; or should the restoration not be feasible necessitating that the structure be rebuilt to a different design, said design shall be at least equal to the origin design of the structure in quality of materials used, the quantity and quality of design details employed, and the compatibility of the site design with abutting properties;

(c) the Community Development Department shall certify to the Superintendent of Buildings that the above conditions have been met.

Should the Community Development Department find that said conditions have not been met, the restoring or rebuilding shall require a special permit from the Board of Zoning Appeal.

The restored or rebuilt structure shall in no respect increase the nonconforming nature of the original structure; nothing in this Section, however, shall prohibit a rebuilding or restoring which reduces the nonconforming nature of the original structure.

Passed to a second reading at the City Council meeting held on March 23, 1992 and on or after April 6, 1992 the question comes on passing to be ordained.

Attest:- Joseph E. Connarton
City Clerk

(C)March26
#3138

COMMONWEALTH OF MASSACHUSETTS
THE TRIAL COURT
THE PROBATE AND
FAMILY COURT DEPARTMENT
PROBATE OF WILL WITHOUT SURETIES
Middlesex Division Docket No. 92P0847E

Estate of **John McGeoghean**
died on August 24, 1991
late of **Cambridge**
in the County of **Middlesex**

NOTICE

A petition has been presented in the above-captioned matter praying that a certain instrument purporting to be the last will of said deceased may be proved and allowed and that **Sarah McGeoghean** of Cambridge in the County of Middlesex be appointed executrix without giving surety on her bond.

If you desire to object to the allowance of said petition, you or your attorney must file a written appearance in said Court at Cambridge on or before 10:00 in the forenoon on April 9, 1992.

In addition you must file a written affidavit of objections to the petition, stating the specific facts and grounds upon which the objection is based, within (30) days after the return day (or such other time as the Court, on motion with notice to the petitioner, may allow) in accordance with Probate Rule 16.

Witness, Sheila E. McGovern, Esquire, First Justice of said Court at Cambridge, the twelfth day of March in the year of our Lord one thousand nine hundred and ninety-two.

Donna M. Lambert
Register of Probate

(C)Mar.26
#3122

COMMONWEALTH OF MASSACHUSETTS
THE TRIAL COURT
THE PROBATE AND FAMILY COURT
DEPARTMENT
PROBATE OF WILL WITHOUT SURETIES
Middlesex Division Docket No. 92P1223E

Estate of **Edward L. Ennis**
died Feb. 3, 1992
late of **Cambridge**
in the County of Middlesex

NOTICE

A petition has been presented in the above-captioned matter praying that a certain instrument purporting to be the last will of said deceased may be proved and allowed and that **Marian B. Ennis** of Cambridge in the County of Middlesex be appointed executrix without giving surety on her bond.

If you desire to object to the allowance of said petition, you or your attorney must file a written appearance in said Court at Cambridge on or before 10:00 in the forenoon on April 7, 1992.

In addition you must file a written affidavit of objections to the petition, stating the specific facts and grounds upon which the objection is based, within (30) days after the return day (or such other time as the Court, on Motion with notice to the petitioner, may allow) in accordance with Probate Rule 16 and it is further ordered that notice be given to the Attorney General of said Commonwealth by delivering or by mailing postpaid a copy thereof to him fourteen days at least before the return day.

Witness, Sheila E. McGovern, Esquire, First Justice of said Court at Cambridge, the tenth day of March in the year of our Lord one thousand nine hundred and ninety-two.

Donna M. Lambert
Register of Probate

(C)March26
#3067

COMMONWEALTH OF MASSACHUSETTS
LAND COURT
DEPARTMENT OF THE TRIAL COURT
(SEAL)

Case No. 176461

To **Gilberto Russo**; **Liliana Saravo** and to all persons entitled to the benefit of the Soldiers' and Sailors' Civil Relief Act of 1940 as amended: The First National Bank of Boston, with a usual address located at 125 Cambridge Park Drive, Cambridge, MA 02140 claiming to be the holder of a mortgage covering real property in Cambridge, MA numbered as **The Esplanade Condominiums, Unit E508, 75-83 Cambridge Parkway**, given by Gilberto Russo and Liliana Saravo to The First National Bank of Boston dated October 10, 1989 and recorded at Middlesex South Registry of Deeds in Book No. 20130 on Page No. 329, has filed with said court a complaint for authority to foreclose said mortgage in the manner following: by entry and possession and exercise of power of sale.

If you are entitled to the benefits of the Soldiers' and Sailors' Civil Relief Act of 1940 as amended and you object to such foreclosure you or your attorney should file a written appearance and answer in said court at Boston on or before the 27th day of April 1992, or you may be forever barred from claiming that such foreclosure is invalid under said act.

Witness, John E. Fenton, Jr., Chief Justice of said Court this 13th day of March 1992.

Charles W. Trombly, Jr.
Recorder

(C)March26
#3148

ADMINISTRATION WITH SURETIES
COMMONWEALTH OF MASSACHUSETTS
THE TRIAL COURT
THE PROBATE AND FAMILY COURT
DEPARTMENT
Middlesex Division Docket No. 92P0932A

Estate of **Harold Holland**
died Jan. 6, 1992
late of **Cambridge**
in the County of Middlesex

NOTICE

A petition has been presented in the above-captioned matter praying that **George W. Spartichino** of Cambridge in the County of Middlesex or some other suitable person be appoint administrator of the estate of said deceased.

If you desire to object to the allowance of said petition, you or your attorney must file a written appearance in said Court at Cambridge on or before 10:00 in the forenoon on April 10, 1992.

Witness, Sheila E. McGovern, Esquire, First Justice of said Court at Cambridge, the tenth day of March in the year of our Lord one thousand nine hundred and ninety-two.

Donna M. Lambert
Register of Probate

(C)March26
#3068

COMMONWEALTH OF MASSACHUSETTS
THE TRIAL COURT
THE PROBATE AND
FAMILY COURT DEPARTMENT
ADMINISTRATION WITHOUT SURETIES
Middlesex Division Docket No. 92P1212A

Estate of **Gloria Finlay**
died September 13, 1991
late of **Cambridge**
in the County of **Middlesex**

NOTICE

A petition has been presented in the above-captioned matter praying that **Jermiel Howard of Bronx** in the **State of New York** be appointed administrator of the estate of said deceased without surety on his bond.

If you desire to object to the allowance of said petition, you or your attorney must file a written appearance in said Court at Cambridge on or before 10:00 in the forenoon on April 10, 1992.

Witness, Sheila E. McGovern, Esquire, First Justice of said Court at Cambridge, the tenth day of March in the year of our Lord one thousand nine hundred and ninety-two.

Donna M. Lambert
Register of Probate

(C)Mar.26
#3127

ANNOUNCEMENT OF THE
AVAILABILITY OF FUNDS
CITY OF CAMBRIDGE
DEPARTMENT OF HUMAN
SERVICE PROGRAMS
FY '93 COMMUNITY
DEVELOPMENT BLOCK GRANT

The City of Cambridge, Department of Human Service Programs, is accepting proposals under its Human Services/Community Development Block Grant (CDBG) in two initiative areas: **Family Support and Family Violence.** The specific criteria for each of these initiatives is defined in the application. Agencies may apply for up to $30,000 in funds, however in practice the current maximum CDBG award is $20,000 for one year. Programs can begin on or after July 1, 1992. New proposals in these two areas will be considered in conjunction with re-application from agencies currently funded under CDBG. No specific amount of funds have been set aside for these initiatives, however we anticipate funding not more than four new proposals. Applications for funding are available beginning March 24, 1992 and will be due no later than April 17, 1992. For additional information or to obtain an application, please contact Gloria Darafshi or Stephanie Ackert at 349-6200. Applications may also be picked by at DHSP, 51 Inman St., Cambridge.

(C)March26
#3088

PURCHASING DEPARTMENT

Sealed proposals will be received at the Office of the Purchasing Agent, Room 303, City Hall, Cambridge, Mass., until 11:00 o'clock A.M., Thursday, April 19, 1992 at which time and place they will be publicly opened and read for furnishing the following to the City of Cambridge.

Aspiration Irrigation Kits
Painting of Weight Room
Board Room Furniture
See proposal for bid deposit.

The City of Cambridge reserves the right to waive any informalities or to reject any or all proposals.

Specifications may be obtained at the Office of the Purchasing Agent, Room 303, City Hall, Cambridge, Mass.

Each proposal must be in a sealed envelope plainly marked "proposal for 'Designate Item'" and addressed to Barbara L. Duffy, Purchasing Agent, City Hall, Cambridge, Massachusetts.

Barbara L. Duffy
Purchasing Agent

(C)March26
#3098

CITY OF CAMBRIDGE
BOARD OF LICENSE COMMISSIONERS

Notice is hereby given that Deacon Transportation, Inc. d/b/a **Old Town Trolley Tours** has applied to amend its Jitney license to include the following streets:

Cambridge Street between First Street and Third Street

Third Street between Cambridge Street and Binney Street

Galileo Galley Way between Main Street and Broadway

Edwin O. Land Boulevard between O'Brien Highway and First Street.

The hearing on this application will be held on Tuesday, March 31, 1992, at 2 p.m., in the Sullivan Chambers, City Hall, 795 Massachusetts Avenue, Cambridge, Mass., 02139.

Alex Rodriguez
Kevin Fitzgerald
Henry Breen
License Commission

(C)Mar26
#3129

CITY OF CAMBRIDGE
TRAFFIC AND PARKING

By force of the power vested in me by Special Act of the Legislature of 1961 (Chapter 455), I hereby amend the traffic Regulations of the City of Cambridge by adding the following regulation.

Regulation No. 92-10

Regulation No. 66-1 Schedule 10 "Parking time Limited On Certain Sides Of Certain Streets is hereby amended by adding the following:

Columbia Street, east side, 170' N of Washington Street to 204' N of Washington Street, 8A-6P, 30 min. Except Sunday.

This regulation shall take effect 21 April 1992. Promulgated Date March 16, 1992

George Teso
Traffic Director

(C)March26,April2,9
#3085

NOTICE

REQUEST FOR QUALIFICATIONS: Employment Resources, Inc. (ERI), the administrative agency for the Massachusetts Tactical Training Initiative in the Metro North Service Delivery Area announces the release of a Request for Qualifications for **Biotechnical training.** Two outcomes are expected from the training: upgrading the skills level for currently employed participants (at Biogen) and prevocational and occupational skills training for employment (at Genzyme). $50,000 is available for skills upgrading and $100,000 is available for training potential new employees in Biotechnology. Private profit or non-profit firms, public organizations, women- and minority-owned businesses are encouraged to apply. Deadline for submission of qualifications is April 16, 1992. Specification packages will be available on March 25 and may be obtained at ERI or by calling Peggy Libby at (617) 494-1154. For more information, contact Michael Menna at (617) 494-1154 or c/o ERI, 432 Columbia Street, Cambridge, MA 02141. A bidders conference will be held at ERI on April 2, 1992, 9:30-11:00 a.m.

(C)March26
#3089

CITY OF CAMBRIDGE
BOARD OF LICENSE COMMISSIONERS

Notice is hereby given that **Checker Cab Co.**, 103 Fulkerson Street has applied for a Jitney license to be operated as "10 Fawcett Street Shuttle" (van with the capacity of 10 riders, between the hours of 7:30 a.m. - 6:00 p.m., between Alewife T-Station and 10 Fawcett Street.)

The hearing on this application will be held on Tuesday, March 31, 1992, at 2 p.m., in the Sullivan Chambers, City Hall, 795 Massachusetts Avenue, Cambridge, Mass., 02139.

Alex Rodriguez
Kevin Fitzgerald
Henry Breen
License Commission

(C)Mar.26
#3130

COMMONWEALTH OF MASSACHUSETTS
Middlesex ss. Probate Court
No. 85D 3417 D2

Angela M. Stevenson Plaintiff
vs.
Ivan M. Stevenson Defendant

To the above-named Defendant:

A complaint has been presented to this Court by your spouse, Angela M. Stevenson, seeking a divorce for cruel and abusive treatment, custody, and support.

You are required to serve upon Lois H. Kanter, plaintiff's attorney, whose address is Harvard Legal Aid Bureau, 1511 Massachusetts Avenue, Cambridge, MA 02138 your answer on or before June 8, 1992. If you fail to do so, the Court will proceed to the hearing and adjudication of this action. You are also required to file a copy of your answer in the office of the Register of this Court at cambridge.

Witness, Sheila E. McGovern, Esq., First Judge of said Court at Cambridge.

Donna M. Lambert
Register of Probate

(C)March26,April2,9
#3114

COMMONWEALTH OF MASSACHUSETTS
Middlesex, ss. Probate Court
88P4513GI

To all persons interested in the estate of **Mida N. Aitken of Cambridge** in said County, mentally ill person.

A petition has been presented to said Court for license to sell at - private sale - certain real estate of said Mida N. Aitken for her maintenance.

If you desire to object thereto you or your attorney should file a written appearance in said Court at Cambridge before ten o'clock in the forenoon on the ninth day of April 1992, the return day of this citation.

Witness, Sheila E. McGovern, Esquire, First Judge of said Court, th is tenth day of March 1992.

Donna M. Lambert
Register

(C)March26
#3076

MID CAMBRIDGE NEIGHBORHOOD
CONSERVATION DISTRICT COMMISSION

Notice is hereby given that the Mid Cambridge Neighborhood Conservation District Commission will hold a public hearing on Monday, April 6, 1992 at 5:30 p.m. in the third floor conference room at the City Hall Annex, 57 Inman Street, to consider the following applications for Certificate of Appropriateness under Ordinance 1002 and the Order establishing the Commission:

Case 480: 10 Trowbridge Street. For binding certificate of appropriateness for construction of a two-story bedroom addition at the rear of the building. By Wallace Sherwood.

Case 485: 48 Trowbridge Street. Determination of procedure for certificate of non-applicability for construction of 527 square foot addition. By Harvard Real Estate.

Frances Lieberman
Chairman

(C)March19,26
#3060

COMMONWEALTH OF MASSACHUSETTS
Middlesex, ss. Probate Court
No. 91A0779-T1

To the alleged father of parts unknown of **Baby Girl Galeotalanzo,** a minor child received by The Adoption Center, Inc. under the provisions of General Laws, Chapter 119, Section 23. A petition has been presented to said Court by Judith Muzzioli Bailey, Executive Director of Cambridge praying that said Court establish that the consent of said alleged father shall not be required upon a petition for adoption of said minor sponsored by your petitioner, as provided by the General Laws, Chapter 210, Section 3, as most recently amended.

If you desire to object thereto, you or your attorney should file a written appearance in said Court at Cambridge before ten o'clock in the forenoon on the 18th day of May 1992, the return day of this citation.

Witness, Sheila E. McGovern, Esquire, First Judge of said Court, this 10th day of March 1992.

Donna M. Lambert
Register

(C)March19,26,April2
#3013

CAMBRIDGE HISTORICAL COMMISSION

Notice is hereby given that a public hearing will be held on Thursday, April 2, at 4:00 p.m. in the third floor conference room at the City Hall Annex, 57 Inman Street, to consider the following matters under M.G.L. Ch. 40C and the Ordinances governing the Cambridge Historical Commission.

Case 413: City Hall, 795 Massachusetts Avenue (continued). City of Cambridge. Parking and air conditioning chillers.

Case 420: 209-211 Brattle Street (continued). Construction of sunroom, by Dr. Donald P. Drossler.

Case 427: 8 Berkeley Street. Jeff Zinsmeyer and Shanti Fry. Raze existing garage and build new garage.

Case 428: 41 Hawthorne Street. Edward Fehrman. Curb cut and parking area.

Case 429: 156 Brattle Street. Kenyon C. Bolton. Install gate in existing fence and add canopy over kitchen door.

Case 430: Weld, Massachusetts, Lionel, and Mower Halls. Harvard University. Handicapped access, windows, masonry restoration.

Case 431: 2 Berkeley Place. Robert T. Brooks. Demolish existing garage and erect new garage.

5:30 p.m. For review of demolition under Ordinance 965:

Case D-516: 286 Third Street. Peter Gray Corp., by Mass. Department of Public Works.

William B. King
Chairman

(C)March19,26
#3059

MORTGAGEE'S NOTICE OF SALE
OF REAL ESTATE

By virtue and in execution of the Power of Sale contained in a certain mortgage given by **Nellie B. Kanno to Citicorp Homeowners, Inc., now known as Citicorp Mortgage, Inc., dated August 13, 1987, recorded with Middlesex County (Southern District) Registry of Deeds, Book 18459, Page 353, as amended by Mortgage from Nellie B. Kanno to Citicorp Homeowners, Inc., now known as Citicorp Mortgage, Inc. dated August 13, 1987, recorded with said Deeds, Book 18531, Page 216, of which mortgage the undersigned is the present holder, for breach of conditions of said mortgage and for the purpose of foreclosing the same will be sold at Public Auction at 1:00 p.m. on April 7, 1992, on the mortgaged premises as below described, being known as Unit 1, 281 Walden Street Condominium, 281 Walden Street, Cambridge, Middlesex County, Massachusetts,** all and singular the premises described in said mortgage.

To Wit: Unit 1, 281 Walden Street, Cambridge, Massachusetts

The dwelling Unit designated as Unit 1 in a Condominium known as The 281 Walden Street Condominium, located at 281 Walden Street, situated in Cambridge, Middlesex County, Massachusetts and created by Master Deed dated May 4, 1987 and recorded with Middlesex South District Registry of Deeds, in Book 18044, Page 190, which unit is shown on the floor plans filed with and forming a part of said Master Deed, and on a copy of a portion of said plan attached to the Unit Deed to the original unit owner to which was affixed the verified statement as required by Section 9 of Chapter 183A of the Massachusetts General Laws. Said unit is conveyed together with the 33.4% undivided interest in the common areas and facilities described in said Master Deed and attributable to said Unit.

Said premises are conveyed subject to and have the benefit of Chapter 183A of the Massachusetts General Laws, said Master Deed, the 281 Walden Street Condominium Trust dated May 4, 1987 and recorded with said Deeds in Book 18094, Page 206, the By-Laws of said Trust and the rules and regulations adopted from time to time hereunder and with the benefit of and subject to restrictions, stipulations and agreements, passageway rights and easements of record, and without limitation subject to the provisions for the assessment of common expenses.

Said Unit is limited to residential use and is conveyed together with the exclusive rights and easements as provided for in the Master Deed.

Intending to convey and hereby conveying the premises and the same rights and subject to the same restrictions as were conveyed to us by Unit Deed of Eggert Dagbjartsson, et al recorded herewith.

The above premises will be sold subject to all outstanding tax titles, municipal or other public taxes, assessments, betterments, or liens, if any.

TERMS OF SALE

Ten Thousand ($10,000.00) Dollars will be required to be paid in cash or by Bank Cashiers Check or Bank Treasurers Check or Certified Check by the Purchaser at the time and place of sale as earnest money. The balance of the purchase price is to be paid in cash or by Bank Cashiers Check or Bank Treasurers Check or Certified Check upon delivery of the deed within twenty (20) days of the date of sale. OTher terms will be announced at the sale.

Dated: March 6, 1992

Citicorp Mortgage, Inc.
Present Holder of Said Mortgage
By its Attorney
Donald H. Carvin, Esquire
44 Adams Street
P.O. Box 9074
Braintree, MA 02184
(617) 848-4140

(C)March12,19,26
#2667

MORTGAGEE'S NOTICE OF SALE
OF REAL ESTATE
Premises: 32 River Street
Cambridge, Massachusetts

By virtue and in execution of the Power of Sale contained in a certain mortgage given by **Joseph E. Alello** to CenTrust Mortgage Corporation dated May 20, 1987 and recorded with Middlesex District Registry of Deeds in Book 18158, Page 73, of which mortgage the undersigned is the present holder, for breach of the conditions of said mortgage and for the purpose of foreclosing the same will be sold at Public Auction at 1:00 p.m., on the 8th day of April, A.D., 1992, upon the mortgaged premises, **32 River Street, Cambridge, Massachusetts,** as described below, all and singular the premises described in said mortgage, To wit:

A parcel of land, the buildings thereon being at present number 32 River Street, Cambridge, being shown as Lot D on a "Subdivision of Land in Cambridge, Mass., dated December 20, 1961, by Edward F. Carney, Surveyor, recorded as plan #1323 of 1962, shown in Book 10134, Page 113.

NORTHERLY by River Street, twenty-five and 42/100 (25.42) feet;

NORTHEASTERLY by Lot C on said plan, this line passing in part through the center of a brick partition wall, ninety-seven and 86/100 (97.86) feet;

SOUTHEASTERLY by the center line of a passageway as shown on said plan, twenty-two and 75/100 (22.75) feet;

SOUTHWESTERLY by land now or late of Allston and of Ricker, one hundred ten (110) feet;

Containing, according to said plan, 2357 square feet of land. Be all said measurements more or less or however otherwise bounded or described.

TERMS OF SALE: Said premises will be sold and conveyed subject to all outstanding municipal or other public taxes, tax titles, assessments, liens or claims in the nature of liens, rights of tenants and parties in possession, and existing encumbrances of record, if any, which take precedence over the said mortgage above described.

Ten Thousand Dollars and no/100 ($10,000.00) must be paid by certified, bank, treasurer's or cashier's check at the time and place of the sale by the purchaser as a deposit. The balance of the purchase price is to be paid in cash, or by certified check, bank cashier's check or bank treasurer's check within 30 days thereafter at the Law Offices of Shapiro & Kreisman, 492 Old Connecticut Path, Framingham, MA 01701 (508) 872-0221.

Other terms to be announced at the sale.

Land Court Case Number 165100.

CenTrust Mortgage Corporation.
Present Holder of said Mortgage

(C)March12,19,26
#2665

NOTICE OF SALE
TO: VALMYR ELIANTUS
2944 S. RIO GRANDE AVE
APT. C
ORLANDO, FLA. 32805

Pat's Tow Service, Inc. of 112 Sidney Street, Cambridge, Ma. 02139 has in its possession a **1984 Nissan,** Vehicle ID #JN1HO1S4ET214344, and last registered in 1991 as AWV956 Fla.

This vehicle has been in the possession of Pat's Tow Service since May 6, 1991, and has not been claimed after due notice.

This vehicle will be sold at public sale, at Pat's Tow Service, Inc., 112 Sidney St., Cambridge, Ma. 02139 on April 10, 1992.

Walter Tauro
Pat's Tow Service, Inc.

(C)March19,26,April2
#3019

MORTGAGEE'S SALE OF REAL ESTATE

By virtue and in execution of the Power of Sale contained in a certain mortgage given by **James L. Neal and Joanne Neal** to The Boston Five Cents Savings Bank FSB dated March 21, 1989 recorded with the Middlesex (Southern District) Registry of Deeds at Book 19710, Page 361, of which mortgage the undersigned is the present holder for breach of the conditions of said mortgage and for the purpose of foreclosing the same will be sold at Public Auction at 10:00 o'clock, A.M. on April 16, 1992 upon the mortgaged premises hereafter described all and singular the premises described in said mortgage.
TO WIT:

"Condominium Unit #502 in the River Court Condominium ("the Condominium"), situated at and with a post office address of Unit #502, 10 Rogers Street, Cambridge, Middlesex County, Massachusetts, created by Master Deed recorded with Middlesex South Registry of Deeds in Book 19666, Page 285, as amended by instruments of record if any ("Master Deed") in accordance with and subject to the ("Chapter 183A"). The Unit is more particularly described in the Master Deed as shown on the plans recorded simultaneously with the Master Deed, and is hereby conveyed together with the Unit Owner's undivided interest in the common areas and facilities (the "common areas and facilities") as set forth in the Master Deed and together with any other rights set forth in the Master Deed or the Unit Deed, including the exclusive easements to parking spaces and storage spaces, if any.

The Unit and such undivided .7585% percentage interest in the common areas and facilities are conveyed with the benefit of and subject to the rights, easements, restrictions, covenants, agreements, obligations, conditions, and other provisions referred to or set forth in the Master Deed, the provisions of the instrument establishing the Unit Owner's organization formed in accordance with Section 10 of Chapter 183A, the By-laws contained therein and any rules and regulations promulgated thereto, insofar as the same are now in force and applicable."

For title reference see deed of Jonathan G. Davis, Trustee of River Court Development Trust, dated March 20, 1989 recorded with Middlesex (Southern District) Registry of Deeds at Book 19710, Page 353.

Together with all the improvements now or hereafter erected on the property, and all easements, rights, appurtenances, rents, royalties, mineral, oil and gas rights and profits, water rights and stock and all fixtures now or hereafter a part of the property. All replacements and additions shall also be covered by this Security Instrument. All of the foregoing is referred to in this Security Instrument as the "Property."

Said premises is now know as and numbered Unit No. 502, River Court Condominium, 10 Rogers Street, Cambridge, Massachusetts.
TERMS OF SALE:

Said premises will be sold subject to any and all unpaid taxes and assessments, tax sales, tax titles and other municipal liens and water liens, and restrictions and easements of record if any there are, and Ten Thousand ($10,000.00) Dollars in cash, treasurer's check or certified check will be required to be paid by the purchaser (unless the holder of the mortgage is the successful bidder) at the time and place of sale as a non-refundable deposit and the balance will be due in thirty (30) days. The Buyer shall pay all costs of recording the deed including, without limitation, all state transfer stamp charges.

Other terms to be announced at the time and place of sale.
Dated: March 10, 1992

East Cambridge Savings Bank
(Present holder of said mortgage)
By: John P. Allen,
Senior Vice President
Harrison & Maguire, P.C.
24 School Street
Boston, MA 02108
617-742-3810

(C)March12,19,26
#3005

COMMONWEALTH OF MASSACHUSETTS
THE TRIAL COURT
THE PROBATE AND FAMILY COURT
DEPARTMENT
Middlesex Division **Docket No. 90D2912**

CONTEMPT SUMMONS
John J. Kao Plaintiff
v.
Kuyas Emiloglu Kao Defendant

On motion of the plaintiff for an order,
To the above-named defendant:

You are ordered to appear at a Probate Court to be held at Cambridge in said COunty of Middlesex on April 13, 1992 at ten o'clock in the forenoon to show cause why you should not be held in civil and/or criminal contempt, the penalty of which may be a jail sentence.

You are hereby summoned and required to serve upon David H. Lee, plaintiff's attorney, whose address is 222 Berkeley St., Boston, MA, your answer if any, to the complaint which is herewith served upon you, within 7 days after serve of this summons upon you, exclusive of the day of service. You are also required to file your answer, if any, to the complaint in the office of the Register of this Court at Cambridge either before service upon plaintiff's attorney or within a reasonable time thereafter.

Failure to appear on this date may result in the issuance of an order for your arrest.

If the Court finds after a hearing that you are in the aggregate more than four weeks in arrears in court-ordered support payments, the Court may, as a condition of disposition, order you to assign a portion of your periodic earnings to the person entitled to receive said support or the person designated by the Court to receive such payments. This assignment is authorized under MGL Chapter 208, Section 36 and Chapter 209, Section 32E.

Witness, Sheila E. McGovern, Esq., First Justice of said Court at Cambridge.
March 5, 1992

Donna M. Lambert
Register of Probate

(C)March12,19,26
#6796

MORTGAGEE'S SALE OF REAL ESTATE

By virtue and in execution of the Power of Sale contained in a certain mortgage given by **Yves A. Isidore** to Citicorp Mortgage, Inc. dated March 28, 1989 and recorded with the Middlesex South County Registry of Deeds in Book 19728, Page 22 of which mortgage the undersigned is the present holder, for breach of the conditions of said mortgage and for the purpose of foreclosing the same will be sold at public auction at 10:00 a.m. on the 8th day of April, 1992, on the premises now known and numbered as **151 Cherry Street, Cambridge, Massachusetts,** all and singular the premises described in said mortgage,
To wit:

A certain parcel of land with the buildings thereon situate on Cherry Street, in Cambridge, Middlesex County, Massachusetts, bounded and described as follows:

EASTERLY by Cherry Street, 30.5 feet;
NORTHERLY by land now or formerly of Barnes, 54.00 feet;
WESTERLY by Lot 1B as shown on plan hereinafter mentioned, 30.5 feet; and
SOUTHERLY by Lot 1A as shown on said plan by a line running through the center between the structure on Lot 1A and the structure on Lot 2A, a distance of 54.00 feet.

Containing 1,647 square feet of land.

Said parcel is shown as Lot 2A on a plan entitled "Subdivision Plan Cambridge, Mass." dated April 30, 1986 and revised on November 20, 1986 by Wendell H. Mason, Prof. Land Surveyor, 122 Essex Street, Beverly, MA 01915 and recorded with the Middlesex South District Registry of Deeds in Book 18141, Page 362.

Lot 2A is subject to an 8.0 foot wide Access Easement as shown on said Plan for the benefit of Lot 1B as shown on said Subdivision Plan.

Said premises are subject to covenants and restrictions recorded with said Deeds in Book 18141, Page 365.

For title see deed from Ifeanyi A. Menkiti to Yves A. Isidore dated March 28, 1989 recorded at said Deeds in Book 19728, Page 21.

The above-described premises shall also be sold subject to, and with the benefit of, all restrictions, easements, rights of others, unpaid taxes, outstanding tax titles, assessments, liens or claims in the nature of liens, municipal liens, and existing encumbrances of record created prior to the mortgage, if any there be. In the event of any typographical errors in the publication of this notice, the description in the mortgage shall control.

Terms of Sale: The amount of Five Thousand and no/100 ($5,000.00) Dollars is to be paid in cash or certified and/or cashier's check by the purchaser at the time and place of sale. The balance of the purchase price is to be paid upon delivery of the deed within twenty (20) days of the date of sale. Other terms, if any, shall be announced at the sale.
Dated: March 6, 1992

Signed: Citicorp Mortgage, Inc.
Mortgage and Present Holder
By its attorney
John T. Smolak
Warner & Stackpole
75 State Street
Boston, Massachusetts 02109
(617) 951-9000

(C)March12,19,26
#2663

COMMONWEALTH OF MASSACHUSETTS
Middlesex ss. **Probate Court**
No. 91D1802D1
Kahar Barat Plaintiff
vs.
Reshide Memet Defendant

To the above-named Defendant:

A complaint has been presented to this Court by your spouse, Kahar Barat, seeking a divorce.

You are required to serve upon Kristen Lasker, plaintiff's attorney, whose address is 44 Sacramento Street, Cambridge, Massachusetts 02138 your answer on or before June 1, 1992. If you fail to do so, the Court will proceed to the hearing and adjudication of this action. You are also required to file a copy of your answer in the office of the Register of this Court at Cambridge.

Witness, Sheila E. McGovern, Esq., First Judge of said Court at Cambridge.
March 4, 1992

Donna M. Lambert
Register of Probate

(C)March12,19,26
#6797

CITY OF CAMBRIDGE
TRAFFIC AND PARKING

By force of the power vested in me by Special Act of the Legislature of 1961 (Chapter 455), I hereby amend the Traffic Regulations of the City of Cambridge by adding the following regulation.

REGULATION NO. 92-08

Regulation No. 66-1 Schedule 3 "One Way Streets" is hereby amended by correcting the following:

Tufts Street reads: Pearl Street to Magazine Street, northwesterly
change to: Magazine Street to Pearl Street, southeasterly

This regulation shall take effect 30 March 1992.
Promulgated Date: March 4, 1992

George Teso
Traffic Director

(C)March12,19,26
#2662

NOTICE OF PUBLIC HEARING

The Massachusetts Higher Education Coordinating Council acting under the provisions of General Laws Chapter 69, Section 30, et. seq., will conduct a Public Hearing on April 6, 1992, at 10:00 a.m. at the office of the Higher Education Coordinating Council, Room 1401, McCormack Building, One Ashburton Place, Boston, Massachusetts, for the purpose of determining whether the Higher Education Coordinating Council will approve the Articles of Amendment of **Longy School of Music** located in Cambridge, Massachusetts to grant the degree of Master of Music.

Massachusetts Higher Education
Coordinating Council
Paul Marks, Chancellor

(C)March19,26,April2
#3064

COMMONWEALTH OF MASSACHUSETTS
Middlesex, ss **Probate Court**
Case No. 91A0780-T

To the alleged father of parts unknown of **Baby Boy Harris,** a minor child received by The Adoption Center, Inc. under the provisions of General Laws, Chapter 119, Section 23. A petition has been presented to said Court by Judith Muzzioli Bailey, Executive Director of Cambridge praying that said Court establish that the consent of said alleged father shall not be required upon a petition for adoption of said minor sponsored by your petitioner, as provided by the General Laws, Chapter 210, Section 3, as most recently amended.

If you desire to object thereto, you or your attorney should file a written appearance in said Court at Cambridge before ten o'clock in the forenoon on the 18th day of May 1992, the return day of this citation.

Witness, Sheila E. McGovern, Esquire, First Judge of said Court, this 10th day of March 1992.

Donna M. Lambert
Register

(C)March19,26,April2
#3042

NOTICE OF MORTGAGEE'S SALE OF REAL ESTATE

By virtue and in execution of the Power of Sale contained in a certain mortgage given by JEB Corporation to J.B. Financial Services, Inc., d/b/a **J.B. Financial Services** dated December 28, 1989 and recorded with the Middlesex South District Registry of Deeds in Book 20326, Page 047 of which mortgage the undersigned is the present holder for breach of the conditions of said mortgage and for the purpose of foreclosing, the same will be sold at Public Auction at 10:00 o'clock A.M. on the tenth day of April, A.D. 1992, on the mortgaged premises described below, being known as **149-151 Putnam Avenue, Cambridge, Massachusetts** all and singular the premises described in said mortgage, to wit: the land in Cambridge, with the buildings thereon, situated in Cambridge, on the Westerly side of Putnam Avenue and being marked "A" on a sketch of property in Cambridge, belonging to Bridget Culhane, Henry T. Burrage, Surveyor, dated April 26, 1926, recorded with Middlesex South District Deeds, Plan Book 374, Plan 4 bounded and described as follows:

EASTERLY by said Putnam Avenue, forty-two (42) feet;
SOUTHERLY by land now or formerly of Edward Murphy, seventy-one (71) feet;
WESTERLY by Lot marked "B" on said plan, forty-one (41) feet; and
NORTHERLY in part by Lot "B" on said plan and in part by land now or formerly of Dora Snyder, seventy-two and 45/100 feet, or however otherwise bounded, measured or described.

Containing 2947 square feet of land. The premises are conveyed subject to and with benefit of all easements and restrictions of record so far as the same are now in force and applicable.

The Mortgagee reserves the right to postpone the sale to a later date by public proclamation at the time and date appointed for the sale and to further postpone at any adjourned sale date by public proclamation at the time and date appointed for the adjourned sale date.

Said premises will be sold subject to and with the benefit of all restrictions, easements, improvements, building and zoning laws, outstanding tax titles, mortgages, liens, rights of tenants and parties in possession, unpaid taxes, municipal liens and other public taxes, assessments or liens, now existing or hereafter arising, having priority over the mortgage described herein, if any there be.

TERMS OF SALE: Ten Thousand ($10,000.00) Dollars will be required to be paid in cash or by certified check, bank treasurer's check or bank cashier's check at the time and place of sale by the purchaser as a deposit on the full purchase price and a Memorandum of Sale shall be executed thereupon by said successful bidder. The Auction shall not be closed until the successful bidder has made the deposit and executed the Memorandum of Sale. The deposit of the successful bidder shall be fully accounted for at the time the balance of the purchase price is paid. The balance of any purchase price due under any Memorandum of Sale shall be paid in cash or by certified check, bank treasurer's check or bank cashier's check within thirty (30) days of the date of the sale and shall be deposited in escrow with the firm of Law Offices of Paul Thomas Kearns at Bulfinch Square, 43 Thorndike Street, Cambridge, MA, unless otherwise agreed in writing. In the event that the successful bidder(s) at the foreclosure sale shall default in purchasing the within described property according to the terms of this Notice of Mortgagee's Sale of Real Estate and/or the terms of the Memorandum of Sale executed at the public auction, the Mortgagee reserves the right, at its election, to sell the mortgaged premises which are the subject of such default by Foreclosure Deed to the respective second highest bidder at said auction upon the same terms and conditions as described above. The description for the premises contained in said mortgage shall control in the event of a typographical error in this publication.

Other terms, if any, to be announced at sale.

J.B. Financial Services, Inc.
present holder of said mortgage,
by its attorney,
Paul Thomas Kearns, Esquire
Law Offices of Paul Thomas Kearns
Bulfinch Square
43 Thorndike Street
Cambridge, MA
Tel. (617) 494-8700

(C)March19,26,April2
#3079

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843-7300
71 ADAMS ST., BRAINTREE

GENERAL CONTRACTOR
Exterior - Interior
REMODELING
RENOVATIONS
REPAIRS
ADDITIONS
RESIDENTIAL/COMMERCIAL
J. P. Puopolo, Inc.
643-5926
38 YRS. EXPERIENCE LIC. INSURED

H.F. FENOCHETTI
Carpenter Contractor
Licensed Remodeling/Additions
Porches - Repairs
Estimates
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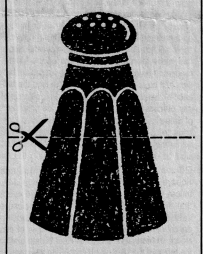

American Heart Association

COMMONWEALTH OF MASSACHUSETTS
Middlesex, ss. Probate Court
No. 91P0618AT

NOTICE OF FIDUCIARY'S ACCOUNT

To all persons interested in the estate of **Richard Wayne Parker** late of **Jensen Beach** in the County of St. Lucie, Florida, leaving an Estate in Cambridge in the County of Middlesex.

You are hereby notified pursuant to Mass. R.Civ.P. Rule 72 that the 1st and final account of Dolores A. Parker - Special Administratrix (the fiduciary) of said estate under the will of said deceased has been presented to said Court for allowance.

If you desire to preserve your right to file objection to said account, you or your attorney must file a written appearance in said Court at Cambridge on or before the 16th day of April, 1992, the return day of this citation. You may upon written request by registered or certified mail to the fiduciary, or to the attorney for the fiduciary, obtain without cost a copy of said account. If you desire to object to any item of said account, you must, in addition to filing a written appearance as aforesaid, file within thirty days after said return day or within such other time as the Court upon motion may order a written statement of each such item together with the grounds for each objection thereto, a copy to be served upon the fiduciary pursuant to Mass. R.Civ.P. Rule 5.

Witness, Sheila E. McGovern, Esquire, First Judge of said Court, this 12th day of March, 1992.

Donna M. Lambert
Register

(C)March26
#3090

COMMONWEALTH OF MASSACHUSETTS
LAND COURT
DEPARTMENT OF THE TRIAL COURT
(SEAL)

Case No. 176390

To **James H. Platt; Patricia A. Cole, a/k/a Patricia A. Cole-Platt;** and to all persons entitled to the benefit of the Soldiers' and Sailors' Civil Relief Act of 1940 as amended: **Mortgage** Investors Funding Trust I By: Congress Realty Financial Limited Partnership By: Congress Realty Financial Corp., its General Partner claiming to be the holder of a mortgage covering real property in **Cambridge, MA numbered 50 Grozier Road,** Unit 2 given by James H. Platt and Patricia A. Cole-Platt to Mortgage Investors Corp. dated November 24, 1986 and recorded with Middlesex County (Southern District) Registry of Deeds at Book 17617, Page 297 and taken by plaintiff by assignment has filed with said court a complaint for authority to foreclose said mortgage in the manner following: by entry and possession and exercise of power of sale.

If you are entitled to the benefits of the Soldiers' and Sailors' Civil Relief Act of 1940 as amended and you object to such foreclosure you or your attorney should file a written appearance and answer in said court at Boston on or before the 27th day of April 1992, or you may be forever barred from claiming that such foreclosure is invalid under said act.

Witness, John E. Fenton, Jr., Chief Justice of said Court this 13th day of March 1992.

Charles W. Trombly, Jr.
Recorder

(C)March26
#3118

MORTGAGEE'S SALE OF REAL ESTATE

By virtue and in execution of the Power of Sale contained in a certain mortgage given by **James. A. Enos** to Northeast Savings, F.A., dated August 3, 1989, recorded with the Middlesex County (Southern District) Registry of Deeds in Book 19990 Page 419 of which mortgage the undersigned is the present holder, for breach of the conditions of said mortgage and for the purpose of foreclosing the same will be sold at Public Auction at 10:00 o'clock a.m. on the 16th day of April, A.D., 1992, on the premises described therein, to wit, **19 Muller Avenue, Cambridge, Middlesex County, Massachusetts,** the premises described in said mortgage, together with all the rights, easements, and appurtenances thereto, to wit:

The land and buildings thereon located in Cambridge, Middlesex County, Massachusetts, known as 19-21 Muller Avenue and shown as Lot 11 on a plan entitled, "Subdivision of Land in Cambridge, Massachusetts, for Devries and Legal", by Donald J. Reardon, Surveyor, dated July 31, 1928 and recorded with Middlesex South District Registry of deeds, at the end of Book 5287.

SOUTHWESTERLY by Muller Avenue, twenty-five and 9/100 (25.09) feet;

SOUTHWESTERLY by Muller Avenue, fifteen and 9/10 (15.9) feet;

NORTHWESTERLY by Lot 10 as shown on said plan, eighty-one and 3/10 (81.3) feet;

NORTHEASTERLY by land of owners unknown, forty-eight (48) feet;

SOUTHEASTERLY by Lot 12 as shown on said plan, eighty-nine (89) feet.

Containing in all 3,729 square feet, as shown on said plan.

Together with the right to use Muller Avenue for all purpose (sic) for which private way (sic) are ordinarily used in the City of Cambridge, in common with others entitled thereto.

Terms of Sale: These premises are being sold subject to any and all unpaid real estate taxes, water rates, municipal charges and assessments, federal and/or state tax liens, partition wall rights, statutes, regulations, zoning, subdivision control, or other municipal ordinances or bylaws respecting land use, configuration, building or approval, or ordinances regarding the presence of lead paint, asbestos, sanitary codes, housing codes, or tenancy.

Purchaser shall also bear all state and county deeds excise tax. The deposit of $20,000.00 is to be paid in cash or bank or certified check at the time and place of the sale, with the balance to be paid by bank or certified check on or before May 28, 1992, to be deposited in escrow with Kevin F. Murphy, Esquire, at 31 Milk Street, Boston, Massachusetts.

Other terms, if any, are to be announced at the sale.

Northeast Savings, F.A.
by its Attorney
Kevin F. Murphy, Esquire
31 Milk Street
Boston, MA 02109
March 13, 1992

(C)March26,April2,9
#3066

FIRST PUBLICATION NO. 2579
CITY OF CAMBRIDGE
In the Year One Thousand,
Nine Hundred Ninety-Two
AN ORDINANCE

In amendment to the ordinance entitled "Zoning Ordinances of the City of Cambridge."

Be it ordained by the City Council of the City of Cambridge as follows:

By adding a new Section 11.400 to be called the Kirkland Place Overlay District which shall read as follows:

11.400 Kirkland Place Overlay District

11.401 Establishment and Scope. There is hereby established the Kirkland Place Overlay District which shall be governed by the regulations and procedures specified in this Section 11.400. These regulations are intended to provide a transition between the character and scale of the abutting A-2 residential district and the development options possible in the base Residence C-3 zone. It is the intent of this Section that these regulations will apply to a single area located at the westerly edge of Kirkland Place, north of Kirkland Street and bounded and described as follows:

Beginning at a point said point being the intersection of the westerly street line of Kirkland Place and a line 135 feet distant from and parallel to the northerly street line of Kirkland Street, Thence running westerly 90 feet to a point said point being the intersection of a line 135 feet distant from and parallel to the northerly street line of Kirkland Street and a line 90 feet distant from and parallel to the westerly street line of Kirkland Place. Thence turning and running northerly along the line 90' distant from and parallel to the westerly street line of Kirkland Place 402 feet to a point said point being the intersection of a line 90' distant from and parallel to the westerly street line of Kirkland place and the northerly lot line of lot #45 as shown on Assessors' Plat #145. Thence, turning and proceeding easterly along said northerly lot line to the northeasterly corner of said lot #45. Thence turning and running southerly along the easterly lot line of lot #45 to the intersection of the lot line and the circular part of Kirkland Place. Thence, turning and proceeding southwesterly along circular part of westerly street line of Kirkland Place approximately 62.69 feet. Thence, turning and running southerly along the western street line of Kirkland Place for a distance of approximately 327 feet, to the point of origin.

The affected premises: odd numbers 3-13 Kirkland Place, all or portions of lots numbered 21, 37, 38, 39, and 45 as shown on Assessors' Plat #145.

11.402 General Purpose. It is the purpose of this Section 11.400 to augment the existing zoning regulations to respond to the unique problems and pressures for change particular to the Kirkland Place area. These regulations are intended to encourage retention of buildings of historic value and enhance the established streetscape; to maintain the visual character and open space patterns; and to provide sufficient regulatory flexibility to advance the general purposes of this Section 11.402.

11.403 Applicability

The Kirkland Place Overlay District shall be an overlay district on the zoning map established by Section 3.20.

The buildings and land uses within said district shall be controlled by the pertinent regulations within the base zoning district, except as modified by the requirements of Section 11.400 which shall apply in addition to regulations imposed by the base zoning map designation. Where the base zoning regulations differ from requirements of this Section 11.400, the requirements of this Section shall apply. Divergence from the standards established in this Section may be allowed only by issuance of a Special Permit by the Planning Board as specified in Section 10.45. The Board may grant such a permit upon its determination that the development proposed will better serve the objectives of this Section 11.400 and that the criteria specified in Section 10.43 will be satisfied.

11.404 The Kirkland Place Overlay District shall be considered an area of special planning concern.

Development proposals listed in Subsection 11.42, Development Consultation Procedures, shall be subject to the Development Consultation Procedure specified in Section 11.40.

11.405 Use Regulations

Use Regulations of the Residence C-3 zoning designation shall apply in the Kirkland Place Overlay District.

11.406 Dimensional Standards in the Kirkland Place Overlay District

11.406.1 Floor Area Ratio

The above ground floor area ratio shall be the same as in the A-2 zoning district. The overall floor area ration in the Overlay District shall be 3.0. Any floor area created in excess of .5 must be completely below grade.

11.406.2 Maximum Height.

The maximum height in the Overlay District shall be 35 feet.

11.406.3 Setbacks.

Building setbacks in the Overlay District shall be the same as in the Residence A-2 zoning district.

11.406.4 Useable Open Space.

Open space requirements in the Overlay District shall be the same as in the Residence A-2 zoning district.

11.406.5 Nonconforming Structures.

Notwithstanding the provisions of Section 8.22, that portion of a legal nonconforming structure lying within the Kirkland Place Overlay District which is destroyed or damaged by fire, explosion or other catastrophe may be rebuilt or restored and used again in the same way as it had been legally used immediately before the damage, without limit as to cost of such rebuilding or restoring provided the following conditions are met:

(a) any restoration or rebuilding shall commence within twelve (12) months after the catastrophe; and

(b) the structure shall be restored or rebuilt to the same design, including materials and design details as existed previously; or should the restoration not be feasible necessitating that the structure be rebuilt to a different design, said design shall be at least equal to the origin design of the structure in quality of materials used, the quantity and quality of design details employed, and the compatibility of the site design with abutting properties;

(c) the Community Development Department shall certify to the Superintendent of Buildings that the above conditions have been met.

Should the Community Development Department find that said conditions have not been met, the restoring or rebuilding shall require a special permit from the Board of Zoning Appeal.

The restored or rebuilt structure shall in no respect increase the nonconforming nature of the original structure; nothing in this Section, however, shall prohibit a rebuilding or restoring which reduces the nonconforming nature of the original structure.

Passed to a second reading at the City Council meeting held on March 23, 1992 and on or after April 6, 1992 the question comes on passing to be ordained.

Attest:- Joseph E. Connarton
City Clerk

(C)March26
#3138

COMMONWEALTH OF MASSACHUSETTS
THE TRIAL COURT
THE PROBATE AND
FAMILY COURT DEPARTMENT
PROBATE OF WILL WITHOUT SURETIES
Middlesex Division Docket No. 92P0847E

Estate of **John McGeoghean**
died on August 24, 1991
late of **Cambridge**
in the County of **Middlesex**

NOTICE

A petition has been presented in the above-captioned matter praying that a certain instrument purporting to be the last will of said deceased may be proved and allowed and that **Sarah McGeoghean** of Cambridge in the County of Middlesex be appointed executrix without giving surety on her bond.

If you desire to object to the allowance of said petition, you or your attorney must file a written appearance in said Court at Cambridge on or before 10:00 in the forenoon on April 9, 1992.

In addition you must file a written affidavit of objections to the petition, stating the specific facts and grounds upon which the objection is based, within (30) days after the return day (or such other time as the Court, on motion with notice to the petitioner, may allow) in accordance with Probate Rule 16.

Witness, Sheila E. McGovern, Esquire, First Justice of said Court at Cambridge, the twelfth day of March in the year of our Lord one thousand nine hundred and ninety-two.

Donna M. Lambert
Register of Probate

(C)Mar.26
#3122

COMMONWEALTH OF MASSACHUSETTS
THE TRIAL COURT
THE PROBATE AND FAMILY COURT
DEPARTMENT
PROBATE OF WILL WITHOUT SURETIES
Middlesex Division Docket No. 92P1223E

Estate of **Edward L. Ennis**
died Feb. 3, 1992
late of **Cambridge**
in the County of Middlesex

NOTICE

A petition has been presented in the above-captioned matter praying that a certain instrument purporting to be the last will of said deceased may be proved and allowed and that **Marian B. Ennis** of Cambridge in the County of Middlesex be appointed executrix without giving surety on her bond.

If you desire to object to the allowance of said petition, you or your attorney must file a written appearance in said Court at Cambridge on or before 10:00 in the forenoon on April 7, 1992.

In addition you must file a written affidavit of objections to the petition, stating the specific facts and grounds upon which the objection is based, within (30) days after the return day (or such other time as the Court, on Motion with notice to the petitioner, may allow) in accordance with Probate Rule 16 and it is further ordered that notice be given to the Attorney General of said Commonwealth by delivering or by mailing postpaid a copy thereof to him fourteen days at least before the return day.

Witness, Sheila E. McGovern, Esquire, First Justice of said Court at Cambridge, the tenth day of March in the year of our Lord one thousand nine hundred and ninety-two.

Donna M. Lambert
Register of Probate

(C)March26
#3067

COMMONWEALTH OF MASSACHUSETTS
LAND COURT
DEPARTMENT OF THE TRIAL COURT
(SEAL)

Case No. 176461

To **Gilberto Russo; Liliana Saravo** and to all persons entitled to the benefit of the Soldiers' and Sailors' Civil Relief Act of 1940 as amended: The First National Bank of Boston, with a usual address located at 125 Cambridge Park Drive, Cambridge, MA 02140 claiming to be the holder of a mortgage covering real property in Cambridge, MA numbered as **The Esplanade Condominiums, Unit E508, 75-83 Cambridge Parkway,** given by Gilberto Russo and Liliana Saravo to The First National Bank of Boston dated October 10, 1989 and recorded at Middlesex South Registry of Deeds in Book No. 20130 on Page No. 329, has filed with said court a complaint for authority to foreclose said mortgage in the manner following: by entry and possession and exercise of power of sale.

If you are entitled to the benefits of the Soldiers' and Sailors' Civil Relief Act of 1940 as amended and you object to such foreclosure you or your attorney should file a written appearance and answer in said court at Boston on or before the 27th day of April 1992, or you may be forever barred from claiming that such foreclosure is invalid under said act.

Witness, John E. Fenton, Jr., Chief Justice of said Court this 13th day of March 1992.

Charles W. Trombly, Jr.
Recorder

(C)March26
#3148

ADMINISTRATION WITH SURETIES
COMMONWEALTH OF MASSACHUSETTS
THE TRIAL COURT
THE PROBATE AND FAMILY COURT
DEPARTMENT
Middlesex Division Docket No. 92P0932A

Estate of **Harold Holland**
died Jan. 6, 1992
late of **Cambridge**
in the County of Middlesex

NOTICE

A petition has been presented in the above-captioned matter praying that **George W. Spartichino** of Cambridge in the County of Middlesex or some other suitable person be appoint administrator of the estate of said deceased.

If you desire to object to the allowance of said petition, you or your attorney must file a written appearance in said Court at Cambridge on or before 10:00 in the forenoon on April 10, 1992.

Witness, Sheila E. McGovern, Esquire, First Justice of said Court at Cambridge, the tenth day of March in the year of our Lord one thousand nine hundred and ninety-two.

Donna M. Lambert
Register of Probate

(C)March26
#3068

COMMONWEALTH OF MASSACHUSETTS
THE TRIAL COURT
THE PROBATE AND
FAMILY COURT DEPARTMENT
ADMINISTRATION WITHOUT SURETIES
Middlesex Division Docket No. 92P1212A

Estate of **Gloria Finley**
died September 13, 1991
late of **Cambridge**
in the County of **Middlesex**

NOTICE

A petition has been presented in the above-captioned matter praying that **Jermiel Howard** of **Bronx** in the **State of New York** be appointed administrator of the estate of said deceased without surety on his bond.

If you desire to object to the allowance of said petition, you or your attorney must file a written appearance in said Court at Cambridge on or before 10:00 in the forenoon on April 10, 1992.

Witness, Sheila E. McGovern, Esquire, First Justice of said Court at Cambridge, the tenth day of March in the year of our Lord one thousand nine hundred and ninety-two.

Donna M. Lambert
Register of Probate

(C)Mar.26
#3127

ANNOUNCEMENT OF THE
AVAILABILITY OF FUNDS
CITY OF CAMBRIDGE
DEPARTMENT OF HUMAN
SERVICE PROGRAMS
FY '93 COMMUNITY
DEVELOPMENT BLOCK GRANT

The City of Cambridge, Department of Human Service Programs, is accepting proposals under its Human Services/Community Development Block Grant (CDBG) in two initiative areas: **Family Support and Family Violence.** The specific criteria for each of these initiatives is defined in the application. Agencies may apply for up to $30,000 in funds, however in practice the current maximum CDBG award is $20,000 for one year. Programs can begin on or after July 1, 1992. New proposals in these two areas will be considered in conjunction with re-application from agencies currently funded under CDBG. No specific amount of funds have been set aside for these initiatives, however we anticipate funding not more than four new proposals. Applications for funding are available beginning March 24, 1992 and will be due no later than April 17, 1992. For additional information or to obtain an application, please contact Gloria Darafshi or Stephanie Ackert at 349-6200. Applications may also be picked by at DHSP, 51 Inman St., Cambridge.

(C)March26
#3088

PURCHASING DEPARTMENT

Sealed proposals will be received at the Office of the Purchasing Agent, Room 303, City Hall, Cambridge, Mass., until 11:00 o'clock A.M., Thursday, April 19, 1992 at which time and place they will be publicly opened and read for furnishing the following to the City of Cambridge.

Aspiration Irrigation Kits
Painting of Weight Room
Board Room Furniture
See proposal for bid deposit.

The City of Cambridge reserves the right to waive any informalities or to reject any or all proposals.

Specifications may be obtained at the Office of the Purchasing Agent, Room 303, City Hall, Cambridge, Mass.

Each proposal must be in a sealed envelope plainly marked "proposal for 'Designate Item'" and addressed to Barbara L. Duffy, Purchasing Agent, City Hall, Cambridge, Massachusetts.

Barbara L. Duffy
Purchasing Agent

(C)March26
#3098

CITY OF CAMBRIDGE
BOARD OF LICENSE COMMISSIONERS

Notice is hereby given that Deacon Transportation, Inc. d/b/a **Old Town Trolley Tours** has applied to amend its Jitney license to include the following streets:

Cambridge Street between First Street and Third Street

Third Street between Cambridge Street and Binney Street

Galileo Galley Way between Main Street and Broadway

Edwin O. Land Boulevard between O'Brien Highway and First Street.

The hearing on this application will be held on Tuesday, March 31, 1992, at 2 p.m., in the Sullivan Chambers, City Hall, 795 Massachusetts Avenue, Cambridge, Mass., 02139.

Alex Rodriguez
Kevin Fitzgerald
Henry Breen
License Commission

(C)Mar26
#3129

CITY OF CAMBRIDGE
TRAFFIC AND PARKING

By force of the power vested in me by Special Act of the Legislature of 1961 (Chapter 455), I hereby amend the traffic Regulations of the City of Cambridge by adding the following regulation.

Regulation No. 92-10

Regulation No. 66-1 Schedule 10 "Parking time Limited On Certain Sides Of Certain Streets is hereby amended by adding the following:

Columbia Street, east side, 170' N of Washington Street to 204' N of Washington Street, 8A-6P, 30 min. Except Sunday.

This regulation shall take effect 21 April 1992.

Promulgated Date March 18, 1992

George Teso
Traffic Director

(C)March26,April2,9
#3085

NOTICE

REQUEST FOR QUALIFICATIONS: Employment Resources, Inc. (ERI), the administrative agency for the Massachusetts Tactical Training Initiative in the Metro North Service Delivery Area announces the release of a Request for Qualifications for **Biotechnical training.** Two outcomes are expected from the training: upgrading the skills level for currently employed participants (at Biogen) and prevocational and occupational skills training for employment (at Genzyme). $50,000 is available for skills upgrading and $100,000 is available for training potential new employees in Biotechnology. Private profit or non-profit firms, public organizations, women- and minority-owned businesses are encouraged to apply. Deadline for submission of qualifications is April 16, 1992. Specification packages will be available on March 25 and may be obtained at ERI or by calling Peggy Libby at (617) 494-1154. For more information, contact Michael Menna at (617) 494-1154 or c/o ERI, 432 Columbia Street, Cambridge, MA 02141. A bidders conference will be held at ERI on April 2, 1992, 9:30-11:00 a.m.

(C)March26
#3089

CITY OF CAMBRIDGE
BOARD OF LICENSE COMMISSIONERS

Notice is hereby given that **Checker Cab Co.,** 103 Fulkerson Street has applied for a Jitney license to be operated as "10 Fawcett Street Shuttle" (van with the capacity of 10 riders, between the hours of 7:30 a.m. - 6:00 p.m., between Alewife T-Station and 10 Fawcett Street.)

The hearing on this application will be held on Tuesday, March 31, 1992, at 2 p.m., in the Sullivan Chambers, City Hall, 795 Massachusetts Avenue, Cambridge, Mass., 02139.

Alex Rodriguez
Kevin Fitzgerald
Henry Breen
License Commission

(C)Mar.26
#3130

COMMONWEALTH OF MASSACHUSETTS
Middlesex ss. Probate Court
No. 85D 3417 D2

Angela M. Stevenson Plaintiff
vs.
Ivan M. Stevenson Defendant

To the above-named Defendant:

A complaint has been presented to this Court by your spouse, Angela M. Stevenson, seeking a divorce for cruel and abusive treatment, custody, and support.

You are required to serve upon Lois H. Kanter, plaintiff's attorney, whose address is Harvard Legal Aid Bureau, 1511 Massachusetts Avenue, Cambridge, MA 02138 your answer on or before June 8, 1992. If you fail to do so, the Court will proceed to the hearing and adjudication of this action. You are also required to file a copy of your answer in the office of the Register of this Court at cambridge.

Witness, Sheila E. McGovern, Esq., First Judge of said Court at Cambridge.

Donna M. Lambert
Register of Probate

(C)March26,April2,9
#3114

COMMONWEALTH OF MASSACHUSETTS
Middlesex, ss. Probate Court
88P4513GI

To all persons interested in the estate of **Mida N. Aitken** of Cambridge in said County, mentally ill person.

A petition has been presented to said Court for license to sell at - private sale - certain real estate of said Mida N. Aitken for her maintenance.

If you desire to object thereto you or your attorney should file a written appearance in said Court at Cambridge before ten o'clock in the forenoon on the ninth day of April 1992, the return day of this citation.

Witness, Sheila E. McGovern, Esquire, First Judge of said Court, th is tenth day of March 1992.

Donna M. Lambert
Register

(C)March26
#3076

MID CAMBRIDGE NEIGHBORHOOD
CONSERVATION DISTRICT COMMISSION

Notice is hereby given that the Mid Cambridge Neighborhood Conservation District Commission will hold a public hearing on Monday, April 6, 1992 at 5:30 p.m. in the third floor conference room at the City Hall Annex, 57 Inman Street, to consider the following applications for Certificate of Appropriateness under Ordinance 1002 and the Order establishing the Commission:

Case 480: 10 Trowbridge Street. For binding certificate of appropriateness for construction of a two-story bedroom addition at the rear of the building. By Wallace Sherwood.

Case 485: 48 Trowbridge Street. Determination of procedure for certificate of non-applicability for construction of 527 square foot addition. By Harvard Real Estate.

Frances Lieberman
Chairman

(C)March19,26
#3060

COMMONWEALTH OF MASSACHUSETTS
Middlesex, ss. Probate Court
No. 91A0779-T1

To the alleged father of parts unknown of **Baby Girl Galeotalanzo,** a minor child received by The Adoption Center, Inc. under the provisions of General Laws, Chapter 119, Section 23. A petition has been presented to said Court by Judith Muzzioli Bailey, Executive Director of Cambridge praying that said Court establish that the consent of said alleged father shall not be required upon a petition for adoption of said minor sponsored by your petitioner, as provided by the General Laws, Chapter 210, Section 3, as most recently amended.

If you desire to object thereto, you or your attorney should file a written appearance in said Court at Cambridge before ten o'clock in the forenoon on the 18th day of May 1992, the return day of this citation.

Witness, Sheila E. McGovern, Esquire, First Judge of said Court, this 10th day of March 1992.

Donna M. Lambert
Register

(C)March19,26,April2
#3013

CAMBRIDGE HISTORICAL COMMISSION

Notice is hereby given that a public hearing will be held on Thursday, April 2, at 4:00 p.m. in the third floor conference room at the City Hall Annex, 57 Inman Street, to consider the following matters under M.G.L. Ch. 40C and the Ordinances governing the Cambridge Historical Commission.

Case 413: City Hall, 795 Massachusetts Avenue (continued). City of Cambridge. Parking and air conditioning chillers.

Case 420: 209-211 Brattle Street (continued). Construction of sunroom, by Dr. Donald P. Dressler.

Case 427: 8 Berkeley Street. Jeff Zinsmeyer and Shanti Fry. Raze existing garage and build new garage.

Case 428: 41 Hawthorne Street. Edward Fehrman. Curb cut and parking area.

Case 429: 156 Brattle Street. Kenyon C. Bolton. Install gate in existing fence and add canopy over kitchen door.

Case 430: Weld, Massachusetts, Lionel, and Mower Halls. Harvard University. Handicapped access, windows, masonry restoration.

Case 431: 2 Berkeley Place. Robert T. Brooks. Demolish existing garage and erect new garage.

5:30 p.m. For review of demolition under Ordinance 965:

Case D-516: 286 Third Street. Peter Gray Corp., by Mass. Department of Public Works.

William B. King
Chairman

(C)March19,26
#3059

MORTGAGEE'S NOTICE OF SALE
OF REAL ESTATE

By virtue and in execution of the Power of Sale contained in a certain mortgage given by **Nellie B. Kanno to Citicorp Homeowners, Inc.,** now known as Citicorp Mortgage, Inc., dated August 13, 1987, recorded with Middlesex County (Southern District) Registry of Deeds, Book 18459, Page 353, as amended by Mortgage from Nellie B. Kanno to Citicorp Homeowners, Inc., now known as Citicorp Mortgage, Inc. dated August 13, 1987, recorded with said Deeds, Book 18531, Page 216, of which mortgage the undersigned is the present holder, for breach of conditions of said mortgage and for the purpose of foreclosing the same will be sold at Public Auction at 1:00 p.m. on April 7, 1992, on the mortgaged premises as below described, being known as **Unit 1, 281 Walden Street Condominium, 281 Walden Street, Cambridge, Middlesex County, Massachusetts,** all and singular the premises described in said mortgage.

To Wit: Unit 1, 281 Walden Street, Cambridge, Massachusetts

The dwelling Unit designated as Unit 1 in a Condominium known as The 281 Walden Street Condominium, located at 281 Walden Street, situated in Cambridge, Middlesex County, Massachusetts and created by Master Deed dated May 4, 1987 and recorded with Middlesex South District Registry of Deeds, in Book 18094, Page 190, which unit is shown on the floor plans filed with and forming a part of said Master Deed, and on a copy of a portion of said plan attached to the Unit Deed to the original unit owner to which was affixed the verified statement as required by Section 9 of Chapter 183A of the Massachusetts General Laws. Said unit is conveyed together with the 33.4% undivided interest in the common areas and facilities described in said Master Deed and attributable to said Unit.

Said premises are conveyed subject to and have the benefit of Chapter 183A of the Massachusetts General Laws, said Master Deed, the 281 Walden Street Condominium Trust dated May 4, 1987 and recorded with said Deeds in Book 18094, Page 206, the By-Laws of said Trust and the rules and regulations adopted from time to time hereunder and with the benefit of and subject to restrictions, stipulations and agreements, passageway rights and easements of record, and without limitation subject to the provisions for the assessment of common expenses.

Said Unit is limited to residential use and is conveyed together with the exclusive rights and easements as provided for in the Master Deed.

Intending to convey and hereby conveying the premises and the same rights and subject to the same restrictions as were conveyed to us by Unit Deed of Eggert Dagbjartsson, et al recorded herewith.

The above premises will be sold subject to all outstanding tax titles, municipal or other public taxes, assessments, betterments, or liens, if any.

TERMS OF SALE

Ten Thousand ($10,000.00) Dollars will be required to be paid in cash or by Bank Cashiers Check or Bank Treasurers Check or Certified Check by the Purchaser at the time and place of sale as earnest money. The balance of the purchase price is to be paid in cash or by Bank Cashiers Check or Bank Treasurers Check or Certified Check upon delivery of the deed within twenty (20) days of the date of sale. OTher terms will be announced at the sale.

Dated: March 6, 1992

Citicorp Mortgage, Inc.
Present Holder of Said Mortgage
By its Attorney
Donald H. Carvin, Esquire
44 Adams Street
P.O. Box 9074
Braintree, MA 02184
(617) 848-4140

(C)March12,19,26
#2667

MORTGAGEE'S NOTICE OF SALE
OF REAL ESTATE
Premises: 32 River Street
Cambridge, Massachusetts

By virtue and in execution of the Power of Sale contained in a certain mortgage given by **Joseph E. Alello** to CenTrust Mortgage Corporation dated May 20, 1987 and recorded with Middlesex District Registry of Deeds in Book 18158, Page 73, of which mortgage the undersigned is the present holder, for breach of the conditions of said mortgage and for the purpose of foreclosing the same will be sold at Public Auction at 1:00 p.m., on the 8th day of April, A.D., 1992, upon the mortgaged premises, **32 River Street, Cambridge, Massachusetts,** as described below, all and singular the premises described in said mortgage,

To wit:

A parcel of land, the buildings thereon being at present number 32 River Street, Cambridge, being shown as Lot D on a "Subdivision of Land in Cambridge, Mass., dated December 20, 1961, Edward F. Carney, Surveyor, recorded as plan #1393 of 1962, shown in Book 10134, Page 113.

NORTHERLY by River Street, twenty-five and 42/100 (25.42) feet;

NORTHEASTERLY by Lot C on said plan, this line passing in part through the center of a brick partition wall, ninety-seven and 86/100 (97.86) feet;

SOUTHEASTERLY by the center line of a passageway as shown on said plan, twenty-two and 75/100 (22.75) feet;

SOUTHWESTERLY by land now or late of Allston and of Ricker, one hundred ten (110) feet;

Containing, according to said plan, 2357 square feet of land. Be all said measurements more or less or however otherwise bounded or described.

TERMS OF SALE: Said premises will be sold and conveyed subject to all outstanding municipal or other public taxes, tax titles, assessments, liens or claims in the nature of liens, rights of tenants and parties in possession, and existing encumbrances of record, if any, which take precedence over the said mortgage above described.

Ten Thousand Dollars and no/100 ($10,000.00) must be paid by certified, bank, treasurer's or cashier's check at the time and place of the sale by the purchaser as a deposit. The balance of the purchase price is to be paid in cash, or by certified check, bank cashier's check or bank treasurer's check within 30 days thereafter at the Law Offices of Shapiro & Kreisman, 492 Old Connecticut Path, Framingham, MA 01701 (508) 872-0221.

Other terms to be announced at the sale.

Land Court Case Number 16510.

CenTrust Mortgage Corporation,
Present Holder of said Mortgage

(C)March12,19,26
#2665

COMMONWEALTH OF MASSACHUSETTS
Middlesex ss. Probate Court
No. 85D 3417 D2
Angela M. Stevenson Plaintiff
vs.
Ivan M. Stevenson Defendant

To the above-named Defendant:

A complaint has been presented to this Court by your spouse, Angela M. Stevenson, seeking a divorce for cruel and abusive treatment, custody, and support.

You are required to serve upon Lois H. Kanter, plaintiff's attorney, whose address is Harvard Legal Aid Bureau, 1511 Massachusetts Avenue, Cambridge, MA 02138 your answer on or before June 8, 1992. If you fail to do so, the Court will proceed to the hearing and adjudication of this action. You are also required to file a copy of your answer in the office of the Register of this Court at cambridge.

Witness, Sheila E. McGovern, Esq., First Judge of said Court at Cambridge.

Donna M. Lambert
Register of Probate

(C)March26,April2,9
#3114

MORTGAGEE'S SALE OF REAL ESTATE

By virtue and in execution of the Power of Sale contained in a certain Mortgage given by **Yves A. Isidor** to First Eastern Mortgage Corporation dated March 19, 1990 and recorded with Middlesex County (Southern District) Registry of Deeds in Book 20434, Page 540 of which Mortgage the undersigned is the present holder, for breach of the conditions of said Mortgage and for the purpose of foreclosing, the same will be sold at Public Auction at 9:00 a.m. on the 29th day of April, A.D., 1992, on the mortgaged premises located at **153-155 Cherry Street, Cambridge, Massachusetts,** all and singular the premises described in said Mortgage

A certain parcel of land with the building thereon situated in Cambridge, Middlesex County, Massachusetts, said land being designed as Lot #1B and described more particularly in a plan of subdivision prepared by Wendell H. Mason, Registered Land Surveyor, 122 Essex Street, Beverly, MA 01915 dated April 30, 1986. Containing 2806 square feet, more or less and recorded herewith.

It is the purpose of these covenants and restriction to provide a means for maintaining and controlling the exterior of the homes situated on the aforesaid subdivision. It is to preserve the exterior similarity of the homes for all future owners that these covenants and restrictions are established, and the intention of the Grantor is that the provisions hereof shall be understood and construed to achieve that objective. Every grantee by acceptance of the Deed to his Lot does thereby agree: (a) to be bound by the covenants and restrictions of this Master Declaration; and (b) that said covenants restrictions run with and appertain to the Lot conveyed thereby.

The architectural integrity of the homes on the Lots shall be preserved without modification, and to that end, without limiting the generality of the foregoing, no awning, antenna, sign, banner, or other device, and no exterior change, addition, structure, projection (except window air-conditioning units), decoration or other feature shall be erected or placed upon or attached to any such home or any part thereof, without the prior written consent of the homeowners of the abutting subdivision lots, i.e., no addition to or change or replacement (except so far as practicable, with identical kind) of any exterior hardware, exterior door or door frames shall be made, and no painting, no roof replacement attaching of decalcomania or other decoration shall be done on any exterior part or surface of any home except insofar as same is (so far as practicable) done with materials of substantially identical kind. If it should be reasonably impractical to do any of the foregoing with such identical materials, the homeowner desiring to make a change or improvement must obtain the written consent of the equity owners of the homes.

This instrument is subject to a decision of the Cambridge Board of Zoning Appeal filed with the Planning Board and the City Clerk on November 25, 1986.

For Mortgagor's title see deed from Ifeanyi A. Menkiti recorded immediately prior hereto.

Said Premises will be sold subject to/or with the benefit of any and all restrictions, easements, improvements, covenants, taxes, assessments, liens or claims in the natbre of liens, and existing encumbrances of record created prior to the Mortgage, if any, there be. A deposit of Twelve Thousand Four Hundred Fifty Dollars in cash, certified check or bank check will be required to be paid by the purchaser at the time and place of sale with the balance of the purchase price to be paid within 30 thereafter.

Other terms to be announced at the time and place of sale.

First Eastern Mortgage Corporation
Present holder of said Mortgage
By its Attorneys
Serino, Ley, Young & Grumbach
By: John G. Serino
Serino, Ley, Young & Grumbach
260 Franklin Street
Boston, Massachusetts 02110
(617) 439-4700
Dated: March 30, 1992

(C)April2,9,16
#3196

LEGAL NOTICE
MORTGAGEE'S SALE OF REAL ESTATE

By virtue and in execution of the Power of Sale contained in a certain mortgage given by **Michael W. Sylvester** to **Middlesex Federal Savings and Loan Association** now known as Middlesex Federal Savings, F.A., dated April 12, 1990, and recorded with Middlesex South Registry of Deeds in Book 20487, Page 320, of which mortgage the undersigned is the present holder, for breach of the conditions of said mortgage, and for the purpose of foreclosing, the same will be sold at Public Auction at 10:00 a.m., on the 4th day of May, 1992, on the mortgaged premises described below, being known as **62 Richdale Avenue, Cambridge, Massachusetts,** all and singular the premises described in said mortgage to wit:

A certain parcel of land together with the buildings thereon, situate in Cambridge, Middlesex County, Massachusetts, being Lot #6 on a plan entitled "Plan of House Lots for James W. Connor" dated September 8, 1908, recorded with Middlesex South District Deeds, Book of Plans #173, Plan #50, bounded and described as follows:

NORTHERLY by Richdale Avenue, 60.33 feet;
EASTERLY by Lot 2 as shown on said plan, 42.51 feet;
SOUTHERLY by Lot 3 and 4 as shown on said plan, 72.61 feet; and
WESTERLY by land of owners unknown, 82.92 feet.

Containing 3784 square feet according to said plan. Be any or all of said measurements or contain more or less or however otherwise said premises may be measured, bounded and described.

The Mortgagee reserves the right to postpone the sale to a later date by public proclamation at the time and date appointed for the sale and to further postpone at any adjourned sale date by public proclamation at the time and date appointed for the adjourned sale date.

In the event that the successful bidder at the foreclosure sale shall default in purchasing the within-described property according to the terms of this Notice of Sale and/or the terms of the Memorandum of Sale executed at the time of foreclosure, the Mortgagee reserves the right to sell the property by foreclosure Deed to the second highest bidder provided that the second highest bidder shall deposit with Mortgagee's attorneys, Edward Rainen, P.C., the amount of the required deposit as set forth herein within three (3) business days after written notice of default of the previous highest bidder and title shall be conveyed to said second highest bidder within twenty (20) days of said written notice.

TERMS OF SALE: A deposit of Ten Thousand Dollars ($10,000.00) will be required for a bid on the mortgaged premises. The deposit shall be paid in cash or by certified check at the time and place of the sale as earnest money. The balance is to be paid in cash or by certified check within thirty (30) days of the date of the sale.

Other terms, if any, to be announced at sale.

Middlesex Federal Savings, F.A.
present holder of said mortgage
by Edward Rainen, Esquire
Edward Rainen, P.C.
Sears Crescent Building
City Hall Plaza
Boston, Massachusetts 02108
Telephone: (617) 367-6284

(C)April2,9,16
#2988

COMMONWEALTH OF MASSACHUSETTS
Middlesex, ss. Probate Court
Case No. 90A0703-T1

To the alleged father of parts unknown represented to be the father of **Jerren Landell Tyree,** a minor child received by the Department of Social Services, Division of Child Guardianship, under the provisions of General Laws, Chapter 119, Section 23. A petition has been presented to said court by Marie A. Matava, Commissioner Division of Family and Children's Services, Department of Social Services, Commonwealth of Massachusetts, praying that the Court establish that the consent of said alleged father shall not be required upon a petition for adoption of said minor sponsored by your petitioner, as provided by the General Laws, Chapter 210, Section 3, as most recently amended.

If you desire to object thereto, you or your attorney should file a written appearance in said Court at Cambridge before ten o'clock in the forenoon on the 8th day of June 1992, the return day of this citation.

Witness, Sheila E. McGovern, Esquire, First Judge of said Court, this 26th day of March 1992.

Donna M. Lambert
Register

(C)April2,9,16
#2973

CITY OF CAMBRIDGE
TRAFFIC AND PARKING

By force of the power vested in me by Special Act of the Legislature of 1961 (Chapter 455), I hereby amend the traffic Regulations of the City of Cambridge by adding the following regulation.

Regulation No. 92-10

Regulation No. 66-1 Schedule 10 "Parking time Limited On Certain Sides Of Certain Streets is hereby amended by adding the following:

Columbia Street, east side, 170' N of Washington Street to 204' N of Washington Street, 8A-6P, 30 min. Except Sunday.

This regulation shall take effect 21 April 1992.

Promulgated Date March 18, 1992

George Teso
Traffic Director

(C)March26,April2,9
#3085

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COMMONWEALTH OF MASSACHUSETTS
THE TRIAL COURT
THE PROBATE AND
FAMILY COURT DEPARTMENT
Middlesex Division Docket No. 92D 0738D1
ORDER FOR SERVICE BY PUBLICATION
Josefa E. Perez Weaver, Plaintiff
vs.
Ellsworth L. B. Weaver, Jr., Defendant

Upon motion of plaintiff for an order directing Ellsworth L. B. Weaver, Jr., the defendant herein, to appear, plead or answer, in accordance with Mass.R.Civ.P./Mass.R.Dom.Rel.P.Rule 4, it appearing to the Court that this is an action to dissolve the bonds of matrimony - for separate support and maintenance - alimony - for custody of and allowance for minor children - for conveyance of real or personal property located within the Commonwealth - that the said defendant cannot be found within the Commonwealth and that his present whereabouts are unknown; that personal service on said defendant is therefore not practicable, and that said defendant has not voluntarily appeared in this action; it is

Ordered that said defendant is directed to appear, plead, answer or otherwise move with respect to the complaint herein on or before May 4, 1992, or in default thereof this Court will proceed to the hearing and adjudication of this suit;

Ordered that the accompanying summons be published in the Cambridge Chronicle once a week for three consecutive weeks beginning March 30, 1992; and it is further

Ordered that a copy of the summons be mailed to the defendant at his last known address by registered or certified mail.

Sheila E. McGovern
Justice of the Probate and Family Court
(C)Apr.2,9,16
#2970

MORTGAGEE'S SALE OF REAL ESTATE

By virtue and in execution of the Power of Sale contained in a certain mortgage given by **The Beverly Corporation** to First Colonial Bank for Savings dated March 14, 1988 and recorded with Middlesex County (Southern District) Registry of Deeds in Book 18925, Page 30 and also recorded with the Middlesex County Southern Registry District of the Land Court as Document number 769412 on Certificate of Title number 182331, of which mortgage the undersigned is the present holder, for breach of the conditions of said mortgage and for the purpose of foreclosing the same will be sold at Public Auction at 11:00 o'clock A.M. on the fourteenth day of May A.D. 1992, upon the mortgaged premises presently known and numbered as **15 Lilac Court, Cambridge, Massachusetts** all and singular the premises described in said mortgage, to wit:

The land in Cambridge, Middlesex county, Massachusetts being shown as Lot 15 on plan No. 10378D in Book 948 Page 92.

Also another certain parcel of land situated in said Cambridge being shown as Lot 15A on Plan No. 773 of 1981 in Book 14355 Page 429.

This sale is subject to any and all easements and restrictions of record so far as same are now in force and applicable, unpaid taxes, tax titles, water liens and betterments if any there be.

Terms of Sale: A deposit of Ten Thousand Dollars ($10,000.00) to be paid in cash or certified check will be required as a deposit at the time and place of sale. The balance will be due within twenty (20) days at the office of Jeffrey W. Shub, Esquire, Coniaris & Shub, Attorneys, 70 Washington Street, Salem, Massachusetts 01970, attorneys for the mortgagee. Other terms to be announced at the time and place of sale.

First Colonial Bank For Savings
Present holder of said mortgage
By its attorney
Jeffrey W. Shub, Esquire
Coniaris & Shub, Attorneys
70 Washington Street
Salem, Massachusetts 01970
Telephone (508) 745-3880
(C)April2,9,16
#2992

COMMONWEALTH OF MASSACHUSETTS
DISTRICT COURTS OF MASSACHUSETTS
THIRD DISTRICT COURT OF
EASTERN MIDDLESEX
Middlesex, ss. Civil No. 215-89
East Cambridge Savings Bank Plaintiff
Richard Giampa Defendant

To the above-named defendant:

Whereas it appears from the officer's return on process issued therein that after diligent search he can find no one upon who he can lawfully make service, and after hearing it is ORDERED by the Court that the following summons issue for service upon you:- to be published once each week, for three successive weeks, in some newspaper published in the defendant's last and usual place of abode and having a general circulation therein.

You are hereby summoned and required to serve upon Michael J. Murphy,Plaintiff's attorney, whose address is Frisoli & Assoc., 43 Thorndike Street, Cambridge 02141 a copy of your answer to the complaint which is herewith served upon you, within 20 days after the last publication of this summons, exclusive of the day of service. You are also required to file your answer to the complaint in the Office of the Clerk of this Court either before service upon plaintiff's attorney, or within 5 days thereafter. If you fail to meet the above requirements, judgment by default may be rendered against you for the relief demanded in the complaint.

Unless otherwise provided by Rule 13(a), your answer must state as a counterclaim any claim which you may have against the plaintiff which arises out of the transaction or occurrence that is the subject matter of the plaintiff's claim or you will be barred from making such claim in any other action.

Witness, Lawrence F. Feloney, Esquire, at Cambridge the thirteenth day of February, in the year of our Lord one thousand nine hundred and ninety two.

Linda M. Steeves, Clerk
(C)April2,9,16
#2991

MORTGAGEE'S SALE OF REAL ESTATE

By virtue and in execution of the Power of Sale contained in a certain mortgage given by **James. A. Enos** to Northeast Savings, F.A., **dated** August 3, 1989, recorded with the Middlesex County (Southern District) Registry of Deeds in Book 19990 Page 419 of which mortgage the undersigned is the present holder, for breach of the conditions of said mortgage and for the purpose of foreclosing the same will be sold at Public Auction at 10:00 o'clock, a.m. on the 16th day of April, A.D., 1992, on the premises described therein, to wit, **19 Muller Avenue, Cambridge, Middlesex County, Massachusetts,** the premises described in said mortgage, together with all the rights, easements, and appurtenances thereto, to wit:

The land and buildings thereon located in Cambridge, Middlesex County, Massachusetts, known as 19-21 Muller Avenue and shown as Lot 11 on a plan entitled, "Subdivision of Land in Cambridge, Massachusetts, for Devries and Legel", by Donald J. Reardon, Surveyor, dated July 31, 1928 and recorded with Middlesex South District Registry of deeds, at the end of Book 5287.

SOUTHWESTERLY by Muller Avenue, twenty-five and 9/100 (25.09) feet;

SOUTHWESTERLY by Muller Avenue, fifteen and 9/10 (15.9) feet;

NORTHWESTERLY by Lot 10 as shown on said plan, eighty-one and 3/10 (81.3) feet;

NORTHEASTERLY by land of owners unknown, forty-eight (48) feet;

SOUTHEASTERLY by Lot 12 as shown on said plan, eighty-nine (89) feet.

Containing in all 3,729 square feet, as shown on said plan.

Together with the right to use Muller Avenue for all purpose (sic) for which private way (sic) are ordinarily used in the City of Cambridge, in common with others entitled thereto.

Terms of Sale: These premises are being sold subject to any and all unpaid real estate taxes, water rates, municipal charges and assessments, federal and/or state tax liens, partition wall rights, statutes, regulations, zoning, subdivision control, or other municipal ordinances or bylaws respecting land use, configuration, building or approval, or ordinances regarding the presence of lead paint, asbestos, sanitary codes, housing codes, or tenancy.

Purchaser shall also bear all state and county deeds excise tax. The deposit of $20,000.00 is to be paid in cash or bank or certified check at the time and place of the sale, with the balance to be paid by bank or certified check on or before May 28, 1992, to be deposited in escrow with Kevin F. Murphy, Esquire, at 31 Milk Street, Boston, Massachusetts.

Other terms, if any, are to be announced at the sale.

Northeast Savings, F.A.
by its Attorney
Kevin F. Murphy, Esquire
31 Milk Street
Boston, MA 02109
March 13, 1992
(C)March26,April2,9
#3066

CITY OF CAMBRIDGE
TRAFFIC AND PARKING

By force of the power vested in me by Special Act of the Legislature of 1961 (Chapter 455), I hereby amend the Traffic Regulations of the City of Cambridge by adding the following regulation.

REGULATION NO. 92-11

Regulation No. 66-1 Schedule 10 "Parking Time Limited On Certain Sides of Certain Streets" is hereby amended by the following:

Remove:
Mass. Ave., south side, Sullivan Square to Bow Street, 8A-6P, 2 Hrs., Ex. Sun.

Add:
Mass. Ave., south side, Putnam Avenue to Arrow St., 8A-6P, 30 Min., Ex. Sun.
Mass. Ave., south side, Arrow St. to Bow St., 8A-6P, 2 Hrs., Ex. Sun.

This regulation shall take effect 27 April 1992.
Promulgated Date April 1, 1992

George Teso
Traffic Director
(C)April9,16,23
#5337

ORDINANCE NO. 1136
Final publication number 2584
First publication in the Chronicle on March 26, 1992
CITY OF CAMBRIDGE
In the Year One Thousand,
Nine Hundred Ninety-Two
AN ORDINANCE

In amendment to the ordinance entitled "Zoning Ordinances of the City of Cambridge."

Be it ordained by the City Council of the City of Cambridge as follows:

By adding a new Section 11.400 to be called the Kirkland Place Overlay District which shall read as follows:

11.400 Kirkland Place Overlay District

11.401 Establishment and Scope. There is hereby established the Kirkland Place Overlay District which shall be governed by the Regulations and procedures specified in this Section 11.400. These regulations are intended to provide a transition between the character and scale of the abutting transition between the character and scale of the abutting A-2 residential district and the development options possible in the base Residence C-3 zone. It is the intent of this Section that these regulations will apply to a single area located at the westerly edge of Kirkland Place, north of Kirkland Street and bounded and described as follows:

Amend the Zoning Map of the City of Cambridge by designating on the map as the Kirkland Place Overlay District that area bounded and described below:

Beginning at a point, said point being the intersection of the westerly street line of Kirkland Place and a line 135 feet distant from and parallel to the northerly street line of Kirkland Street. Thence running westerly 90 feet to a point, said point being the intersection of a line 90 feet distant from and parallel to the westerly street line of Kirkland Place and the northerly lot line of lot #45 as shown on Assessors' Plat #145. Thence turning and running northerly along the line 90 feet distant from and parallel to the westerly street line of Kirkland Place 402 feet to a point, said point being the intersection of a line 90 feet distant from and parallel to the westerly street line of Kirkland Place and the northerly lot line of lot #45 as shown on Assessors' Plat #145. Thence turning and running easterly along said northerly lot line to the northeasterly corner of said lot #45. Thence turning and running southerly along the easterly lot line of lot #45 to the intersection of the lot line and the circular part of Kirkland Place. Thence turning and proceeding southwesterly along the circular part of the westerly street line of Kirkland Place approximately 62.69 feet. Thence turning and running southerly along the western street line of Kirkland Place for a distance of approximately 327 feet, to the point of origin.

The affected premises: odd numbers 3-13 Kirkland Place, all or portions of lots numbered 21, 37, 38, 39, and 45 as shown on Assessors' Plat #145.

11.402 General Purpose. It is the purpose of this Section 11.400 to augment the existing ongoing regulations to respond to the unique problems and pressures for change particular to the Kirkland Place area. These regulations are intended to encourage retention of buildings of historic value and enhance the established streetscape; to maintain the visual character and open space patterns; and to provide sufficient regulatory flexibility to advance e the general purposes of this Section 11.402.

11.403 Applicability

The Kirkland Place Overlay District shall be an overlay district on the zoning map established by Section 3.20.

The buildings and land uses within said district shall be controlled by the pertinent regulations within the base zoning district, except as modified by the requirements of Section 11.400 which shall apply in addition to regulations imposed by the base zoning may designation. Where the base zoning regulations differ from requirements of this Section 11.400, the requirements of this Section shall apply. Divergence from the standards established in this Section may be allowed only by issuance of a Special Permit by the Planning Board as specified in Section 10.45. The Board may grant such a permit upon its determination that the development proposed will better serve the objectives of this Section 11.400 and that the criteria specified in Section 10.43 will be satisfied.

11.404 The Kirkland Place Overlay District shall be considered an area of special planning concern.

Development proposals listed in Subsection 11.42, Development Consultation Procedures, shall be subject to the Development Consultation Procedure specified in Section 11.40.

11.405 Use Regulations

Use Regulations of the Residence C-3 zoning designation shall apply in the Kirkland Place OVerlay District.

11.406 Dimensional Standards in the Kirkland Place Overlay District

11.406.1 Floor Area Ratio

The above ground floor area ration shall be the same as in the A-2 zoning district. The overall floor area ratio in the Overlay District shall be 3.0. Any floor area created in excess of .5 must be completely below grade.

11.406.2 Maximum Height.

The maximum height in the Overlay District shall be 35 feet.

11.406.3 Setbacks.

Building setbacks in the Overlay District shall be the same as in the Residence A-2 zoning district.

11.406.4 Useable Open Space

Open space requirements in the Overlay District shall be the same as in the Residence A-2 zoning district.

11.406.5 Nonconforming Structures.

Notwithstanding the provisions of Section 8.23, that portion of a legal nonconforming structure lying within the Kirkland Place OVerlay District which is destroyed or damaged by fire, explosion or other catastrophe may be rebuilt or restored and used again in the same way as it had been legally used immediately before the damage, without limit as to cost of such rebuilding or restoring provided the following conditions are met:

(a) any restoration or rebuilding shall commence within twelve (12) months after the catastrophe; and

(b) the structure shall be restored or rebuilt to the same design, including materials and design details as existed previously; or should the restoration not be feasible necessitating that the structure be rebuilt to a different design, said design shall be at least equal to the origin design of the structure in quality of materials used, the quantity and quality of design details employed, and the compatibility of the site design with abutting properties;

(c) the Community Development Department shall certify to the Superintendent of Buildings that the above conditions have been met.

Should the Community Development Department find that said conditions have not been met, the restoring or rebuilding shall require a special permit from the Board of Zoning Appeal.

The restored or rebuilt structure shall in no respect increase the nonconforming nature of the original structure; nothing in this Section, however, shall prohibit a rebuilding or restoring which reduces the nonconforming nature of the original structure.

In City Council April 6, 1992.
Passed to be ordained as amended by a yea and nay vote: Yeas 8; Nays 0; Absent 1.

Robert W. Healy, City Manager
Attest:- John E. Flynn
Deputy City Clerk
(C)April9
#5328

COMMONWEALTH OF MASSACHUSETTS
THE TRIAL COURT
THE PROBATE AND FAMILY
COURT DEPARTMENT
PROBATE OF WILL WITHOUT SURETIES
Middlesex Division DOCKET NO.92P1485E
Estate of **Anna E.Normile**
Died on February 20,1992
late of **Cambridge**
in the County of **Middlesex**

NOTICE

A petition has been presented in the above-captioned matter praying that a certain instrument purporting to be the last will of said deceased may be proved and allowed and that **Catherine G. Hinde of Cambridge** in the County of Middlesex be appointed executrix without giving surety on her bond.

If you desire to object to the allowance of said petition, you or your attorney must file a written appearance in said Court at Cambridge on or before 10:00 in the forenoon on April 28, 1992. In addition you must file a written affidavit of objections to the petition, stating the specific facts and grounds upon which the objection is based, within (30) days after the return day (or such other time as the Court, on motion with notice to the petitioner, may allow) in accordance with Probate Rule 16.

WITNESS, Sheila E. McGovern, Esquire, First Justice of said Court at Cambridge, the thirty first day of March in the year of our Lord one thousand nine hundred and ninety two

Donna M. Lambert
Register of Probate
(C)Apr9
#5344

MORTGAGEE'S SALE OF REAL ESTATE

By virtue and in execution of the power of sale contained in a certain mortgage given by **John A. Woodin** to Century Bank and Trust Company, dated July 17, 1987 and being recorded with Middlesex County (Southern District) Registry of Deeds, Book 18386, Page 65, of which mortgage the undersigned is the present holder, pursuant to an Assignment dated March 5, 1992, recorded with said Deeds on March 27, 1992 as instrument number 736, for breach of the conditions of said mortgage and for the purpose of foreclosing the same, will be sold at public auction at 2:00 p.m. on Friday, the 1st day of May 1992, on the mortgaged premises, being known and numbered as **352 Broadway, Cambridge, Massachusetts,** a portion of the mortgaged premises, and being described as follows:

TO WIT:

The land, together with all buildings and structures thereon and rights appurtenant thereto, known and numbered as 352-354 Broadway, and 7 Inman Place, Cambridge, County of Middlesex, Massachusetts, bounded and described as follows:

NORTHERLY by said Broadway, fifty (50) feet;

EASTERLY by land now or late of Mary A. Sullivan and by land now or late of J.A. Shaw, one hundred seventeen and 57/100 (117.57) feet, more or less;

SOUTHERLY by a passageway called Inman Place, fifty (50) feet;

WESTERLY by land now or formerly of Bridget Dana, one hundred and seventeen and 57/100 (117.57) feet, more or less.

For mortgagor's title reference, see deed recorded with Middlesex South Registry of Deeds in Book 18386, Page 64.

Said portion of mortgaged premises to be sold at public auction is further described as unit numbered 352 of the Broadway-Inman Condominium located at 352-354 Broadway, Cambridge, Middlesex County, Massachusetts, a condominium established pursuant to Massachusetts General Laws, Ch. 183A by Master Deed dated April 29, 1990 and recorded with Middlesex County (Southern District) Registry of Deeds at Book 20505, Page 320 ("Master Deed").

Said Unit 352 will be conveyed together with an undivided 34% interest in the common areas and facilities of the Condominium described in said Master Deed.

The aforesaid unit shall be conveyed together with:

1. An easement for the continuance of all encroachments by the Unit on any adjoining units or Common Elements now existing or which may come into existence as a result of settling of the Building, alteration, or repair to the Common Elements made by or with the consent of the Trustees, as a result of repair or restoration of the Building or a Unit after damage by fire or other casualty, or as a result of condemnation or eminent domain proceedings.

2. An easement in common with the owners of other units to use any pipes, wires, ducts, flues, cables, conduits, public utility lines, and other Common Elements located in any of the other units and surveying the unit.

Said Unit shall be conveyed subject to:

1. Easements in favor of the adjoining units d in favor of the Common Elements for the continuance of all encroachments of such adjoining units or Common Elements on the Unit, now existing, or which may come into existence as a result of settling of the Building, alteration or repair to the Common Elements made by or with the consent of the Trustees, as a result of repair or restoration of the Building or a Unit after damage by fire or other casualty, or as a result of condemnation or eminent domain proceedings.

2. An easement in favor of the other units to use the pipes, wires, ducts, flues, conduits, cables, public utility lines, and other Common Elements located in the Unit and serving such other units.

3. The provisions of the Master Deed, Broadway-Inman Condominium Trust and By-Laws and floor plans of the Condominium recorded simultaneously with and as part of the Master Deed, as the same may be amended from time to time by instruments recorded in Middlesex South Registry of Deeds, which provisions, together with any amendments thereto, shall constitute covenants running with the land and shall bind many person having at any time any interest or estate in the Unit, his family, servants and visitors, as though such provisions were recited and stipulated at length herein.

The Unit is intended for residential purposes only. No use may be made of the Unit except as a residence for the Owner thereof, his permitted lessees, and the members of his immediate family, or for no more than two persons unrelated by blood or marriage.

Meaning and intending to specifically exclude Unit 7 at 7 Inman Place, Cambridge, Massachusetts, all as further described at the Master Deed.

Meaning and intending to specifically exclude Units 354-1 and 354-2 at 352-354 Broadway, Cambridge, Massachusetts, all as further described at the Master Deed.

The premises will be sold subject to and with the benefit of all easements, improvements, restrictions, municipal and unpaid taxes, outstanding tax titles, municipal liens, water and sewer charges, assessments, rights of tenants, and existing encumbrances of record created prior to the mortgage if any.

TERMS OF SALE:

A deposit of Fifteen Thousand ($15,000.00) Dollars by certified or bank cashier's check will be required to be made at the time and place of the sale. The balance upon delivery of the deed within twenty (20) business days thereafter at the law offices of **Grossman & Grossman,** One State Street, Suite 1050, Boston, Massachusetts.

The deposit paid at the time of the sale shall be forfeited if the purchaser does not comply strictly with the terms of the sale. The purchaser will be responsible for al closing costs, state documentary stamps and recording fees.

Other terms, if any, to be announced at the sale.

Jeffrey M. Stitt,
Present Holder of said Mortgage,
By his Attorney,
Thomas A. Grossman, Esq.
Grossman & Grossman
One State Street, Suite 1050
Boston, MA 02109
(617) 523-5566
(C)April9,16,23
#5346

COMMONWEALTH OF MASSACHUSETTS
Middlesex, ss. Probate Court
No. 86P0630T

NOTICE OF FIDUCIARY'S ACCOUNT

To all persons interested in the estate of **Anna G. Fletcher** late of **Cambridge,** in said County, deceased.

You are hereby notified pursuant to Mass. R.Civ.P. Rule 72 that the 2nd thru 4th account of **Lawrence Coolidge** and William M.G. Fletcher, **Trustees** and the 1st account of **Lawrence Coolidge, William M.G. Fletcher** and Gilbert M. Roddy, **Junior as Trustees** (the fiduciaries) under the will of said deceased for the benefit of Henry F. Fletcher and others have been presented to said Court for allowance.

If you desire to preserve your right to file an objection to said accounts, you or your attorney must file a written appearance in said Court at Cambridge on or before the 29th day of April, 1992, the return day of the citation. You may upon written request by registered or certified mail to the fiduciaries, or to the attorney for the fiduciaries, obtain without cost a copy of said accounts. If you desire to object to any item of said accounts, you must, in addition to filing a written appearance as aforesaid, file within thirty days after said return day or within such other time as the Court upon motion may order a written statement of each such item together with the grounds for each objection thereto, a copy to be served upon the fiduciaries pursuant to Mass. R.Civ.P. Rule 5.

Witness, Sheila E. McGovern, Esquire, First Judge of said Court, this 26th day of March, 1992.

Donna M. Lambert
Register
(C)April9
#5345

MORTGAGEE'S NOTICE OF SALE OF REAL ESTATE

By virtue and in execution of the Power of Sale contained in a certain mortgage (the "Mortgage") given by **Mary A. Murphy** to BayBank Middlesex dated July 2, 1990 and recorded with the Middlesex South (Southern District) Registry of Deeds at Book 20636, Page 341, of which Mortgage the undersigned is the present holder, for breach of the conditions of said Mortgage and for the purpose of foreclosing, the same will be sold at public auction commencing at 1:00 P.M. on the 1st day of May, 1992 upon the mortgaged premises, being all and singular the premises described in said Mortgage, to wit:

The land with the buildings thereon situated in Cambridge, Middlesex County, Massachusetts, on the Westerly side of Cedar Street, shown as Lot 9 on a plan entitled, "Plan of Lots on the Old Race Course Land belong to S.G. Reed, situated in North Cambridge" W.A. Mason, Surveyor, which plan is recorded with Middlesex South District Registry of Deeds in Plan Book 28, Plan 19, bounded and described as follows:

EASTERLY on Cedar Street, 50 feet;

SOUTHERLY by Lot 10 on said plan, 183 feet, 6 inches;

WESTERLY by Lot 21 on said plan, 50 feet; and

NORTHERLY by Lot 8 on said plan, a distance of 183 feet, 6 inches.

Be all of said measurements more or less or however otherwise said premises may be bounded, measured or described.

For title see deed of Fred F. Labo et al, Executors under the Will of John Labo, dated March 7, 1986, recorded with said Deeds Book 16824, Page 235.

The mortgaged premises are known and numbered as **56 Cedar Street, Cambridge, Massachusetts.**

The mortgaged premises are to be sold subject to and with the benefit of all easements, restrictions, building and zoning laws, unpaid taxes, tax titles, water bills, municipal liens and assessments, rights of tenants and parties in possession, existing encumbrances, and all other claims in the nature of liens, now existing or hereafter arising, having priority over the Mortgage, if any there be. The mortgaged premises are also sold subject to the right of redemption of the United States of America, if any there be.

TERMS OF SALE: A deposit of Five Thousand and 00/100 ($5,000.00) Dollars shall be required to be made to the mortgagee in cash, by certified check or by bank cashier's check at the time and place of sale. The balance of the purchase price is to be paid to the mortgagee in cash, by certified check or by bank cashier's check in or within thirty (30) days from the date of the sale, with time being of the essence.

Other terms if any, to be announced at the sale.

BayBank, f/k/a BayBank Middlesex
Present Holder of said Mortgage,
By Its Attorneys
Riemer & Braunstein
Michael J. Dingo
Three Center Plaza
Boston, Massachusetts 02108
(617) 523-9000
April 7, 1992
(C)April9,16,23
#5327

CITY OF CAMBRIDGE
PURCHASING DEPARTMENT

Sealed proposals will be received at the Office of the Purchasing Agent, Room 303, City Hall, Cambridge, Mass., until 11:00 o'clock A.M. Thursday, April 23, 1992 at which time and place they will be publicly opened and read for furnishing the following to the City of Cambridge.

Electronic Embossing System
Umpire Services
Radiographer Services
White Athletic Field Paint
Renovations at the Building and Ground Buildings

See proposal for bid deposit.

The City of Cambridge reserves the right to waive any informalities or to reject any or all proposals.

Specifications may be obtained at the Office of the Purchasing Agent, Room 303, City Hall, Cambridge, Mass.

Each proposal must be in a sealed envelope plainly marked "Proposal for 'Designate Item' " and addressed to Barbara L. Duffy, Purchasing Agent, City Hall, Cambridge, Massachusetts.

Barbara L. Duffy
Purchasing Agent
(C)April9
#5340

COMMONWEALTH OF MASSACHUSETTS
THE TRIAL COURT
THE PROBATE AND FAMILY COURT
DEPARTMENT
Middlesex Division Docket No.
91P3682GI

Notice of
GUARDIANSHIP - MENTALLY ILL - WITHOUT SURETIES
NOTICE

To **William G. Dellapiana** of **Cambridge** in said County **Middlesex** and heirs apparent or presumptive:

A petition has been presented in the above-captioned matter alleging that said William G. Dellapiana is a mentally ill person and praying that Marion Dellapiana of Cambridge in the County of Middlesex or some other suitable person be appointed his guardian, of the person only.

If you desire to object to the allowance of said petition, you or your attorney must file a written appearance in said Court at Cambridge on or before April 22, 1992.

Witness, Sheila E. McGovern, Esquire, First Justice of said Court at Cambridge the twenty fourth of March, in the year of our Lord one thousand nine hundred and ninety two.

Donna M. Lambert
Register of Probate Court
(C)April9
#5338

COMMONWEALTH OF MASSACHUSETTS
THE TRIAL COURT
PROBATE AND FAMILY
COURT DEPARTMENT
Middlesex Division Docket No. 120490

NOTICE OF FIDUCIARY'S ACCOUNT

To all persons interested in the estate of **William B. Lambert** late of **Cambridge,** in said County, deceased.

You are hereby notified pursuant to Mass. R.Civ.P. Rule 72 that the 40th and 41st and final accounts of John W. Teele and Edwin D. Brooks, Junior as Trustees (the fiduciaries) under the will of said deceased for the benefit of Annie R. Lambert and others have been presented to said Court for allowance.

If you desire to preserve your right to file an objection to said accounts, you or your attorney must file a written appearance in said Court at Cambridge on or before the 28th day of April, 1992, the return day of this citation. You may upon written request by registered or certified mail to the fiduciaries, or to the attorney for the fiduciaries obtain without cost a copy of said account. If you desire to object to any item of said accounts, you must, in addition to filing a written appearance as aforesaid, file within thirty days after said return day or within such other time as the Court upon motion may order a written statement of each such item together with the grounds for each objection thereto, a copy to be served upon the fiduciaries pursuant to Mass. R.Civ.P. Rule 5.

Witness, Sheila E. McGovern, Esquire, First Judge of said Court, this 24th day of March, 1992.

Donna M. Lambert
Register
(C)April9
#5374

COMMONWEALTH OF MASSACHUSETTS
THE TRIAL COURT
THE PROBATE AND FAMILY
COURT DEPARTMENT
Middlesex Division Docket No.
92D0841

ORDER FOR SERVICE BY PUBLICATION
Mariano Rosario, Plaintiff
vs.
Catherine M. Rosario, Defendant

Upon motion of plaintiff for an order directing Catherine M. Rosario, the defendant herein, to appear, plead or answer, in accordance with Mass.R.Civ.P./Mass.R.Dom.Rel.P.Rule 4, it appearing to the Court that this is an action - to dissolve the bonds of matrimony - for separate support and maintenance - alimony - for custody of and allowance for minor children - for conveyance of real or personal property located within the Commonwealth - that the said defendant cannot be found within the Commonwealth and that her present whereabouts are unknown; that personal service on said defendant is therefore not practicable, and that said defendant has not voluntarily appeared in this action; it is

Ordered that said defendant is directed to appear, plead, answer or otherwise move with respect to the complaint herein on or before the twenty-nine day of June, 1992, or in default thereof this Court will proceed to the hearing and adjudication of this suit;

Ordered that the accompanying summons be published in the Cambridge Chronicle once a week for three consecutive weeks beginning April 6, 1992, and it is further

Ordered that a copy of the summons be mailed to the defendant at her last known address by registered or certified mail.

Date: March 31, 1992

Sheila E. McGovern
Justice of the Probate and Family Court
(C)April9,16,23
#5369

SAUL AND GITTA KURLAT
CHARITABLE FOUNDATION

The annual report of the Saul and Gitta Kurlat Charitable Foundation will be available at the Foundation's office for inspection during regular business hours by any citizen who requests inspection as of May 15, 1992 and for 180 days thereafter. The address and telephone number of the Foundation's office at which its annual report will be available and the manager responsible for publishing this notice is Gitta Kurlat, One Boston Place, Boston, Massachusetts (617) 742-3644.
(C)April9
#5339

COMMONWEALTH OF MASSACHUSETTS
PROBATE COURT
Middlesex Division DOCKET NO. 85P-5492E

To all persons interested in the estate of **Frank Williams,** also known as **Frank E. Williams,** late of **Cambridge** in the said county,deceased.

A petition has been presented to said court, praying that **Enoch Woodhouse II** be removed from his office as executor of the will of **Dorothy W.Klng of Cambridge** in the county of Middlesex or some other suitable person, be appointed his successor.

If you desire to object thereto you or your attorney should file a written appearance in said court at Cambridge before 10 o'clock in the forenoon on the twenty eighth day of April 1992, the return day of this citation.

Witness, Sheila E. McGovern, Esquire, First Judge of said Court, this twenty sixth day of March 1992.

Donna M. Lambert
Register of Probate
(C) Apr.9
#5366

CITY OF CAMBRIDGE
RENT CONTROL BOARD
AMENDMENT TO REGULATION 45-08

45-08 The Board on its motion may initiate an action, or any person or organization may file a Complaint, alleging that any person has removed or is removing a controlled rental unit from the market without a removal permit.

AMENDMENT TO REGULATION 62-01

62-01 If the tenant is of low or moderate income or is elderly, the Board may decide to issue the Certificate of Eviction up to six months after its decision. Otherwise, the Board may delay issuance up to two months, except that in situations of extreme hardship to the tenant, the Board may delay issuance up to six months. In considering whether to delay issuance the Board shall consider the circumstances of the tenant, cause of eviction, and prejudice to the landlord. This regulation shall not apply to Certificates of Eviction issued pursuant to Section 9(a)(1) of the Act or for failure to pay a rent increase or for chronic late payment of rent under section 9(a)(10) of the Act, unless the tenant can demonstrate to the Board's satisfaction, at or prior to the Board hearing, that an identifiable source will provide the full amount owed within a reasonable length of time of the Board hearing.

Approved by the Board 5-0 on March 25, 1992. Effective as of March 31, 1992.
(C)April9
#5367

LEGAL NOTICE

To **John Croake** of 116 Norfolk Street Cambridge, MA 02139 B&B Towing Co, 41 Mooney Street Cambridge, MA 02138 has in its possession a **1981 Ford Granda** I.D. Number IFABP26DOBG149568 and last registered to you in 1991 registration #813-AEY.

This vehicle has been in the possession of B&B Towing Co, Inc since September 9th, 1991 and has not been claimed after due notice.

This vehicle will be sold at private sale at B&B Towing Co, Inc, 41 Mooney Street, Cambridge, MA on April 16, 1992.

B&B Towing Co, Inc.
Michael Sorrentino
Owner & Officer
(C)April9,16,23
#5373

COMMONWEALTH OF MASSACHUSETTS
THE TRIAL COURT
THE PROBATE AND FAMILY COURT
DEPARTMENT
Middlesex ss. Division Docket No.
92P1447GM

NOTICE OF GUARDIANSHIP - MINOR - WITHOUT SURETIES
NOTICE

To all persons interested in **Kyon C. Rogers and Sherla A. Rogers** both of **Cambridge** in said County Middlesex, minor.

A petition has been presented in the above-captioned matter praying that **Joan Rogers of Cambridge** in the county of Middlesex be appointed guardian of said minors with custody without surety on her bond.

If you desire to object to the allowance of said petition, you or your attorney must file a written appearance in said Court at Cambridge on or before June 23, 1992.

Witness, Sheila E. McGovern, Esquire, First Justice of said Court at Cambridge, the twenty fifth day of March, in the year of our Lord one thousand nine hundred and ninety two.

Donna M. Lambert
Register of Probate
(C)April9
#5371

COMMONWEALTH OF MASSACHUSETTS
THE TRIAL COURT
THE PROBATE AND FAMILY COURT
DEPARTMENT
ADMINISTRATION WITH SURETIES
Middlesex Division DOCKET NO.92P1617A
Estate of **Bernadette Frances Hanton**
Died March 1,1992
late of **Cambridge**
in the County of Middlesex
NOTICE

A petition has been presented in the above-captioned matter praying that **Regina Ann Towner of Boston** in the County of Suffolk or some other suitable person be appointed administrator of the estate of said deceased.

If you desire to object to the allowance of said petition, you or your attorney must file a written appearance in said Court at Cambridge on or before 10:00 in the forenoon on April 29, 1992.

Witness, Sheila E. McGovern, Esquire, First Justice of said Court at Cambridge, the twenty seventh day of March in the year of our Lord one thousand nine hundred and ninety two

Donna M. Lambert
Register of Probate
(C)Apr.9
#5360

PUBLIC NOTICE
RELATIVE TO ZONING
CITY OF CAMBRIDGE
MASSACHUSETTS
OFFICE OF THE CITY CLERK

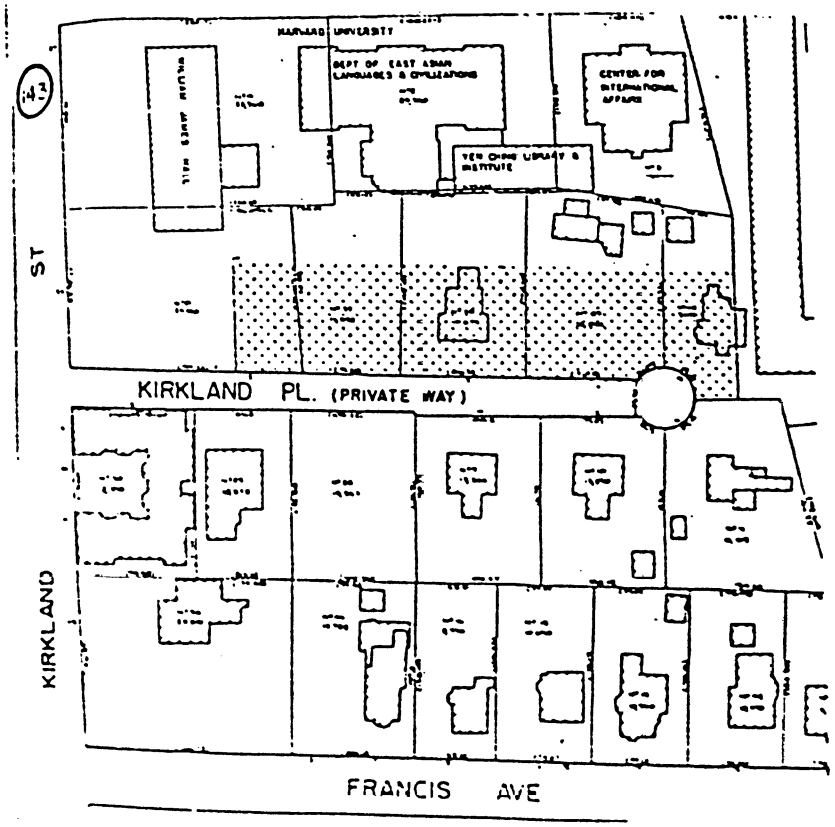
Notice is hereby given that in accordance with the provisions of Chapter 40A, Section 5 of the General Laws, Tercentenary Edition and amendments thereto, that the Committee on Ordinances, comprised of the entire membership of the City Council, will hold a public hearing on Thursday, March 12, 1992 at 5:30 p.m. in the Sullivan chamber, City Hall, Cambridge, Massachusetts on a petition by Paul Doty, et al to amend both the text of the Zoning Ordinance and the Zoning Map of the City of Cambridge. The petition would create a new Section 11.400 - Kirkland Place Overlay District in the zoning Ordinance and rezone an area of Kirkland Place currently designated Residence C-3 to be subject to this new Overlay District. The Overlay District would create a transition between the existing Residence C-3 dimensional regulations and those of the Residence A-2 district by restricting the above ground floor area ratio to .5, while allowing up to 3.0 FAR below grade. The building setbacks, height restrictions, and open space requirements in the Overlay District would be as required in the Residence A-2 district. The use requirements of the Residence C-3 District would be unaffected by the Overlay District. The proposed Zoning Map change is shown on the accompanying map.

Copies of this petition are on file in the Office of the City Clerk, City Hall, Cambridge, Massachusetts.

All persons interested in this matter may appear at this time and be heard.

For the Committee,
Councillor, Alice K. Wolf,
Chair

(C)Feb.20,27
#6983



March 23, 1992

The Committee on Ordinances conducted a public hearing on Thursday, March 12, 1992 beginning at 5:38 P.M. in the Sullivan Chamber, City Hall. The purpose of the hearing was to receive public testimony relative to the petition to amend the Zoning Ordinances by Mr. Paul Doty, et al. Members present were: Councillor Alice K. Wolf, Councillor Francis H. Duehay, Councillor Jonathan Myers, Councillor Walter J. Sullivan and City Clerk Joseph E. Connarton.

Councillor Wolf, Chair of the Committee opened the hearing by outlining to all those present the process by which the Committee will receive testimony, with the petitioner being heard first, then people in support of the petition and finally people in opposition being heard last. The Chair further stated that a staff member of the Community Development Department and the City Solicitor's Officer were present to answer any technical and or legal questions.

At this time the Committee heard from Mr. Paul Doty, 4 Kirkland Place, Cambridge, who stated that this was a revised petition from that which was heard on November 20, 1991. That petition, he stated had dealt solely with the property located at 11 Kirkland Place and was an attempt to preserve the character of the neighborhood and prohibit the construction of a retirement residence high rise building on Kirkland Place. Furthermore, Mr. Doty state that the increased traffic flow and the drastic change in neighborhood character. He stated that the revised petition would prohibit an eight story building such as the one which had been previously suggested to the neighborhood and would allow for a 90 foot depth for future construction. Finally he stated that this petition was submitted after consultation with Harvard University who is a property owner in this area.

Councillor Wolf questioned whether the goals of the petition could be achieved without the creation of an "overlay district. She continued that although she thought the proposal has merit she would prefer not to have a city of "overlay districts".

Mr. Les Barber, representing the Community Development Department, stated that one way of achieving the goals would be to create a whole new district, but that he did not want to appear to be speaking for the petitioners.

At this time Councillor Myers questioned whether or not by having Harvard University in agreement this would alleviate the so-called 20% rule in terms of opposition, thereby requiring only 6 votes for adoption versus 7.

Mr. Barber stated that was correct that Harvard University owned sufficient property that if it were opposed to this petition, it could exercise its right under Chapter 40A Section 5 of the state law.

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the new petition and whether or not this provision would allow for Harvard to utilize residential property in the future for classrooms for such things as continuing education.

Mr. Barber responded by stating that within the existing use schedule, this area has a C-3 definition which is for core institutional areas. Furthermore he stated that it was my understanding that one home within this area is used for institutional purposes now and the proposed petition would allow this to continue.

Councillor Duehay stated that he wanted to maintain the character and scale of the Kirkland Place neighborhood and did not want to allow the neighborhood to be turned over to Harvard University. He further questioned whether or not this was the price that the neighborhood had to pay for getting Harvard to agree.

Mr. Doty, the lead petitioner responded by stating that neither he nor the other petitioners saw it that way and that they were satisfied with what they perceived their gains were in this effort.

At this time the Committee heard from Ms. Kathy Spiegleman, Director of Development for Harvard University who spoke in support of the proposed petition and provided to the Committee schematic drawings of what property would look like if it were to be used for institutional uses. She further stated that Harvard did not have nor does it intend to have such a development in the near future.

Also speaking in support of the petition was Mrs. Hilda Doty, 4 Kirkland Place, Cambridge who stated that she would like to place in the record the names of Ms. Caroline Blumfield, 13 Kirkland Place and Harry and Elena Levine, 14 Kirkland Place, Cambridge as being in support of the petition, neither of whom, she said, could be present this evening.

Also speaking in support of the petition were: Ms. Hanna Holzman, 7 Francis Avenue, Cambridge, and Ms. Margaret McKenna, 12 Kirkland Place, Cambridge.

The Committee then heard from Mr. Robert Chelis who stated he did not really have a position on this petition, but he had been working with the architects on previous proposal to develop a retirement residence . He stated that a previous reference to such a development providing 60 units was an over exaggeration because the plans had actually called for 35 units, but it was never the intent of the proposed developer to be an unfriendly neighbor.

Councillor Duehay questioned whether on not there was any truth to the rumor that the property located at 11 Kirkland Place to someone who would support the new petition.

Mr. Chelis responded by stating he did not any thing about that, but he did understand that a price for sale of the property had been agreed upon.

Councillor Myers moved that the petition as submitted be referred to the full City Council with a favorable recommendation.

The motion as submitted was adopted.

The hearing was adjourned at 6:05 P.M.

For the Committee,

Councillor Alice K. Wolf
Chair

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City of Cambridge

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The motion as submitted was adopted.

The hearing was adjourned at 6:05 P.M.

For the Committee,

Councillor Alice K. Wolf
Chair

COMMITTEE REPORTS

Ordinance Committee Report for a hearing held on Thursday, March 12, 1992 relative to a proposed amendment to the Zoning Ordinances of the City of Cambridge on the petition of Paul Doty, et al.

In City Council,

March 23, 1992

Report accepted
Passed to second reading

C. C. 108

PUBLIC NOTICE
RELATIVE TO ZONING

City of Cambridge

MASSACHUSETTS

OFFICE OF THE CITY CLERK

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Copies of this petition are on file in the Office of the City Clerk, City Hall, Cambridge, Massachusetts.

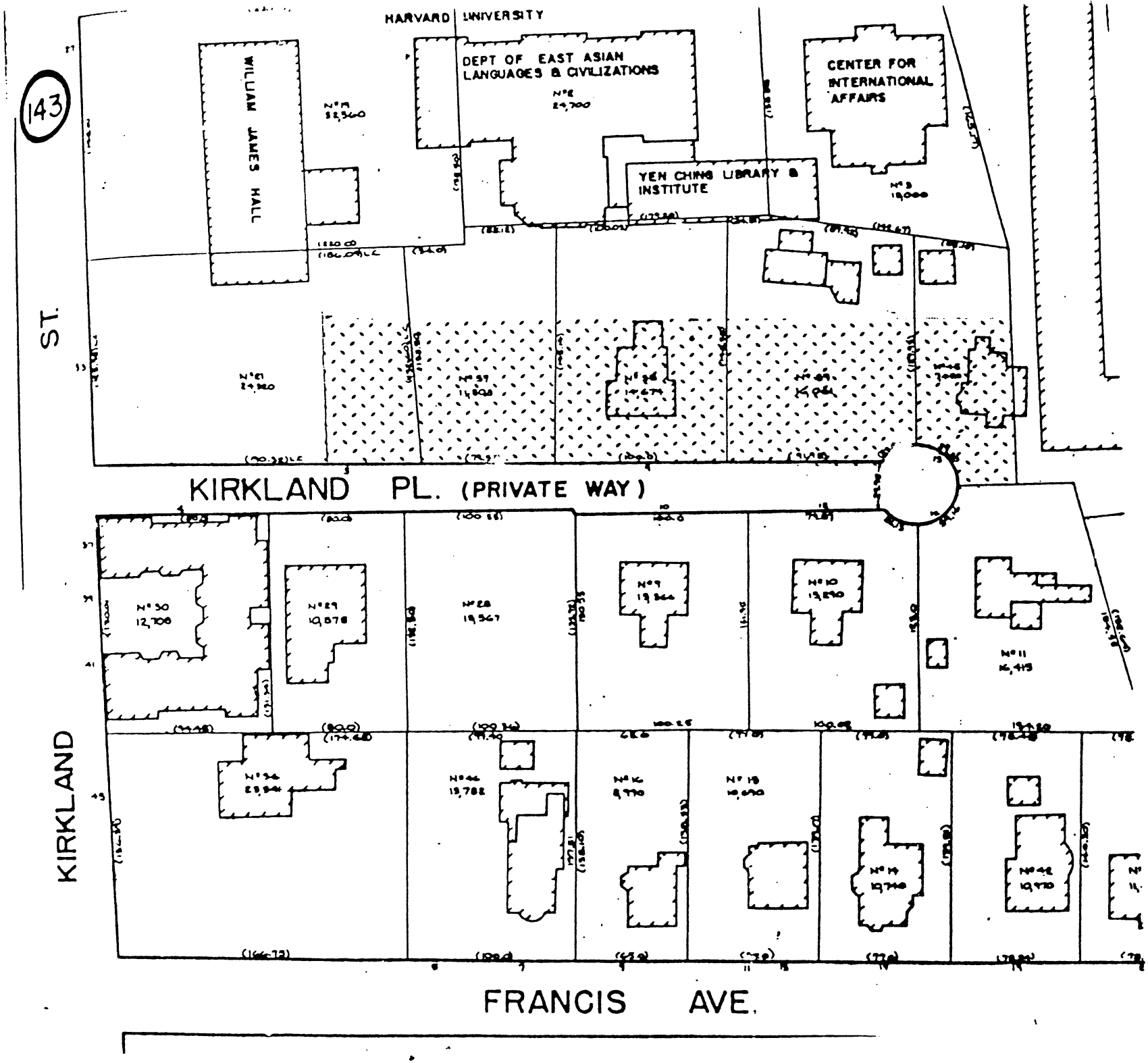
All persons interested in this matter may appear at this time and be heard.

For the Committee,

Councillor, Alice K. Wolf,
Chair

CAMBRIDGE MA.
1992 FEB 13 AM 8:03
OFFICE OF CITY CLERK
RECEIVED BY

1st Publication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HARVARD UNIVERSITY
WILLIAM JAMES HALL
DEPT OF EAST ASIAN LANGUAGES & CIVILIZATIONS
CENTER FOR INTERNATIONAL AFFAIRS
YEN CHING LIBRARY & INSTITUTE
ST.
KIRKLAND PL. (PRIVATE WAY)
KIRKLAND
FRANCIS AVE.

CITY OF CAMBRIDGE, MASSACHUSETTS

PLANNING BOARD

CITY HALL ANNEX, 57 INMAN STREET, CAMBRIDGE 02139

March 6, 1992

To the Honorable, the City Council:

SUBJECT: Planning Board Recommendation on the Doty II, et al Rezoning Petition: Residence C-3 modified by the new Kirkland Place Overlay District.

Recommendation

The Planning Board recommends adoption of the petition as filed.

Findings

1. Kirkland Place is currently divided between two zoning districts: on the east side of the street a Residence A-2 District, a very low density single family residential zone, controls future development while on the west side of the street a Residence C-3 District, the most dense multifamily and institutional district in the city, regulates future development. The centerline of the street divides these two very different districts, with no adequate transitional requirements imposed.

2. The Board finds that the proposed Kirkland Place Overlay District would afford the transitional protection appropriate between the current Residence C-3 District which allows for unlimited height and a 3.0 Floor Area Ratio and the Residence A-2 district across the street which restricts future development to 35 feet in height and a Floor Area Ratio of .5.

3. The easterly side of Kirkland Place consists of residential dwellings on large lots consistent with the Residence A-2 applicable there. The west side of the street, which would be affected by the Overlay District, is developed similarly with homes on large lots or with vacant lots which could be

The Board asked about the creation of such a small overlay district and whether it was the smallest to date. It was pointed out that it was but that it may become a precedent for providing transitional regulations between high and low density districts elsewhere in the city.

Statements were heard in support of the petition from abutting property owners. There were no statements in opposition.

substantially redeveloped to very dense residential or institutional uses quite inappropriate to the character of the easterly side of Kirkland Place.

4. Kirkland Place is a private way which is a cul de sac not well suited to serving high density development possible under the current, unmodified Residence C-3 zoning designation.

5. The Kirkland Place Overlay District would allow for continuing and expanded institutional use in the Residence C-3 district but would restrict the amount of development allowed in the Overlay District area such that, in density and scale visible above ground, future development would more closely resemble the residential development on the eastern side of the street.

6. In a city as complex as Cambridge, it is important to maintain adequate transitions between differing uses and densities of development where they occur close together. It is difficult to devise one single mechanism to achieve that goal. The solution proposed here is a reasonable and effective one for the particular circumstances encountered and may serve as a precedent for addressing the issue in somewhat different circumstances in other areas of the city.

Public Hearing

On February 18, 1992, the Planning Board held a public hearing regarding the Doty II, et al Petition. The petitioner, Dr. Paul Doty, presented the petition outlining the possible size and shape of potential development in the Residence C-3 district and how it might impact the residences on the easterly side of Kirkland Place, a cul de sac. The concerns of the abutters centered on the height and the density allowed under the current zoning dimensional regulations, rather than the potential institutional use of the property at some point in the future. He also indicated that the current ownership of the effected properties, both institutional and private, was not a problem. Mr. Doty indicated that the expected new owner of the private parcel of land which was recently put up for sale, and on which the potential of high density development was explored, has not expressed opposition to the petition, but has no standing at the moment to comment on the proposal. That lot is expected to continue in single family use for the immediate future

Kathy Spiegelman of the Harvard Planning Office explained the position of the Harvard University as the principal westerly abutting land owner. At the moment the University has no plans to purchase or to expand in the area but would like to keep open the option of future institutional development in the proposed overlay district area.

1.

CITY OF CAMBRIDGE
CAMBRIDGE, MASSACHUSETTS 02139

TEL. 349-4300
FAX. 349-4307

EXECUTIVE DEPARTMENT
ROBERT W. HEALY
City Manager

RICHARD C. ROSSI
Deputy City Manager

March 16, 1992

To The Honorable, The City Council:

I am hereby transmitting a Planning Board Recommendation on the Doty II, et al Rezoning Petition: Residence C-3 modified by the new Kirkland Place Cverlay District, for your consideration.

Very truly yours,

Robert W. Healy
City Manager

RWH/mev
attachment

Consent Agenda # 1

Planning Board Recommendation on the Doty II, et al rezoning petition to rezone land in the Kirkland Place Overlay District,

In City Council,

March 16, 1992

Referred to the petition

C. C. 106

PUBLIC NOTICE
RELATIVE TO ZONING

City of Cambridge

MASSACHUSETTS

OFFICE OF THE CITY CLERK

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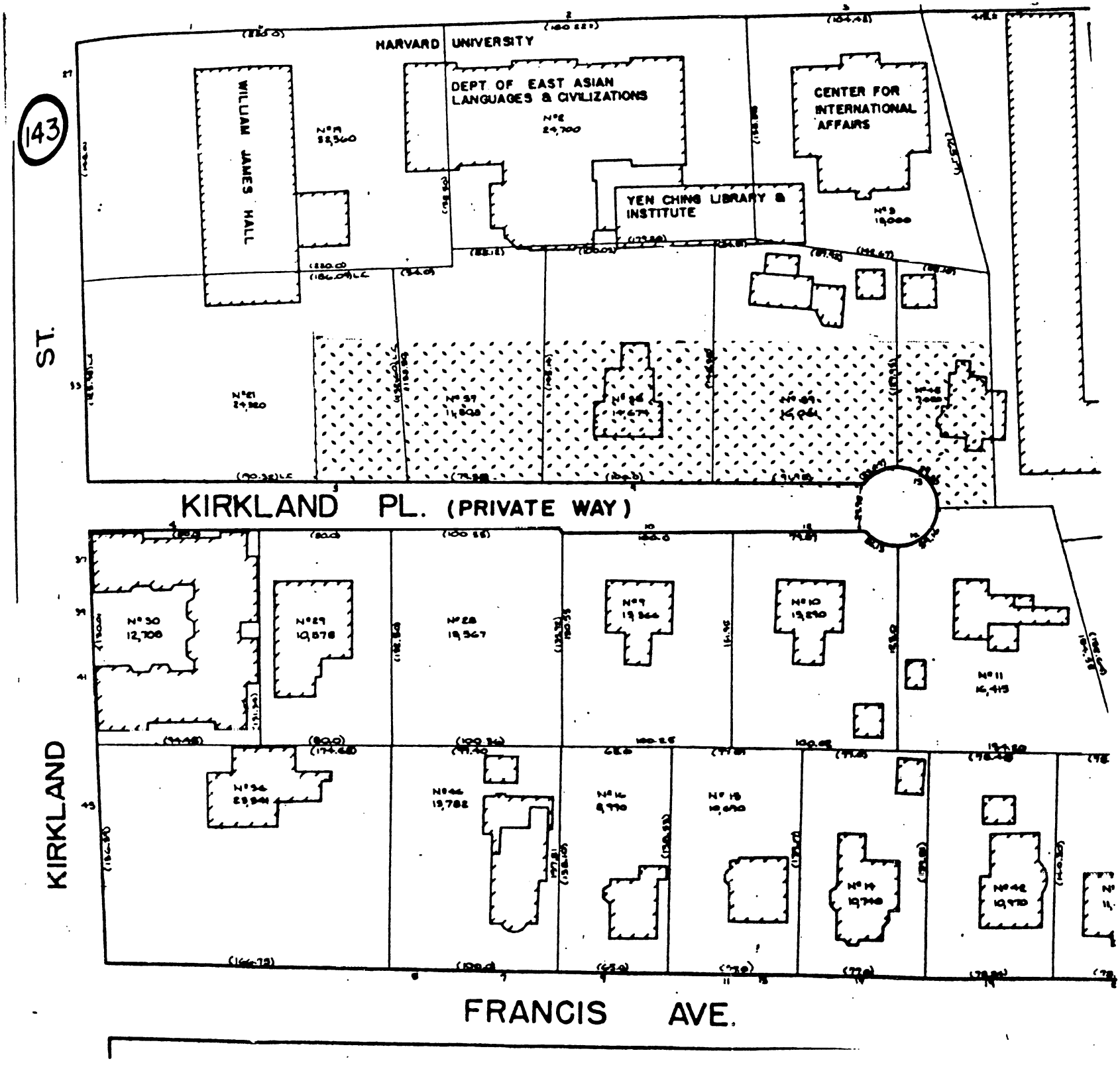
Copies of this petition are on file in the Office of the City Clerk, City Hall, Cambridge, Massachusetts.

All persons interested in this matter may appear at this time and be heard.

For the Committee,

Councillor, Alice K. Wolf,
Chair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Paul Doty
4 Kirkland Place
Cambridge, MA 02138
617 864-6679

RECEIVED BY
OFFICE OF CITY CLERK
1991 DEC 31 AM 11:38
CAMBRIDGE MA.

December 31, 1991

Mr. John Flynn
City Hall
Cambridge, MA 02129

Dear Mr. Flynn:

I enclose with this letter a Petition requesting an amendment to the Cambridge Zoning Ordinance that would create a Kirkland Place Overlay District. This is defined in the petition itself and further explained in a Note that I have attached.

This petition evolved out of an earlier petition that was heard by the Committee on Ordinances on November 20, 1991. This new petition is supported by Harvard University and increases by 50% the area on the western side of Kirkland Place that was the subject of the earlier petition. Thus the whole western side of Kirkland Place would come under A-2 zoning with allowance for institutional use. If this petition were granted the historic character of Kirkland Place would be preserved and both the possibility and the incentive to add three new houses would be created. In this way the purpose of our earlier petition would be fully achieved and the residential character of all of Kirkland Place insured.

Once this new petition is given notice, the petitioners would want it to replace the earlier petition, but that earlier petition should remain on the table so that it could be reactivated in the event that this petition encounters difficulty.

I include with this Petition in addition to my Note, a large scale drawing of the newly defined District, the signatures of 35 neighbors, and the statement I made at the November 20th hearing which describes the origins of the situation which has led to the present petition.

Sincerely yours,

Paul Doty

The undersigned respectfully pray that the Cambridge Zoning Ordinance be amended as follows:

By adding a new Section 11.400 to be called the Kirkland Place Overlay District which shall read as follows:

11.400 KIRKLAND PLACE OVERLAY DISTRICT

11.401 *Establishment and Scope.* There is hereby established the Kirkland Place Overlay District which shall be governed by the regulations and procedures specified in this Section 11.400. These regulations are intended to provide a transition between the character and scale of the abutting A-2 residential district and the development options possible in the base Residence C-3 zone. It is the intent of this Section that these regulations will apply to a single area located at the westerly edge of Kirkland Place, north of Kirkland Street and bounded and described as follows:

Beginning at a point said point being the intersection of the westerly street line of Kirkland Place and a line 135 feet distant from and parallel to the northerly street line of Kirkland Street. Thence running westerly 90 feet to a point said point being the intersection of a line 135 feet distant from and parallel to the northerly street line of Kirkland Street and a line 90 feet distant from and parallel to the westerly street line of Kirkland Place. Thence turning and running northerly along the line 90' distant from and parallel to the westerly street line of Kirkland Place 402 feet to a point said point being the intersection of a line 90' distant from and parallel to the westerly street line of Kirkland place and the northerly lot line of lot #45 as shown on Assessors' Plat #145. Thence, turning and proceeding easterly along said northerly lot line to the northeasterly corner of said lot #45. Thence turning and running southerly along the easterly lot line of lot #45 to the intersection of the lot line and the circular part of Kirkland Place. Thence, turning and proceeding southwesterly along circular part of westerly street line of Kirkland Place approximately 62.69 feet. Thence, turning and running southerly along the western street line of Kirkland Place for a distance of approximately 327 feet, to the point of origin.

The affected premises: odd numbers 3-13 Kirkland Place, all or portions of lots numbered 21, 37, 38, 39, and 45 as shown on Assessors' Plat #145.

11.402 *General Purpose.* It is the purpose of this Section 11.400 to augment the existing zoning regulations to respond to the unique problems and pressures for change particular to the Kirkland Place area. These regulations are intended to encourage retention of buildings of historic value and enhance the established streetscape; to maintain the visual character and open space patterns; and to provide sufficient regulatory flexibility to advance the general purposes of this Section 11.402.

11.403 *Applicability*

The Kirkland Place Overlay District shall be an overlay district on the zoning map established by Section 3.20.

The buildings and land uses within said district shall be controlled by the pertinent regulations within the base zoning district, except as modified by the requirements of Section 11.400 which shall apply in addition to regulations imposed by the base zoning map designation. Where the base zoning regulations differ from requirements of this Section 11.400, the requirements of this Section shall apply. Divergence from the standards established in this Section may be allowed only by issuance of a Special Permit by the Planning Board as specified in Section 10.45. The Board may grant such a permit upon its determination that the development proposed will better serve the objectives of this Section 11.400 and that the criteria specified in Section 10.43 will be satisfied.

11.404 The Kirkland Place Overlay District shall be considered an area of special planning concern.

Development proposals listed in Subsection 11.42, Development Consultation Procedures, shall be subject to the Development Consultation Procedure specified in Section 11.40.

11.405 *Use Regulations*

Use Regulations of the Residence C-3 zoning designation shall apply in the Kirkland Place Overlay District.

11.406 *Dimensional Standards in the Kirkland Place Overlay District*

11.406.1 Floor Area Ratio.

The above ground floor area ratio shall be the same as in the A-2 zoning district. The overall floor area ratio in the Overlay District shall be 3.0. Any floor area created in excess of .5 must be completely below grade.

11.406.2 Maximum Height.

The maximum height in the Overlay District shall be 35 feet.

11.406.3 Setbacks.

Building setbacks in the Overlay District shall be the same as in the Residence A-2 zoning district.

11.406.4 Useable Open Space.

Open space requirements in the Overlay District shall be the same as in the Residence A-2 zoning district.

11.406.5 Nonconforming Structures.

Notwithstanding the provisions of Section 8.23, that portion of a legal nonconforming structure lying within the Kirkland Place Overlay District which is destroyed or damaged by fire, explosion or other catastrophe may be rebuilt or restored and used again in the same way as it had been legally used immediately before the damage, without limit as to cost of such rebuilding or restoring provided the following conditions are met:

(a) any restoration or rebuilding shall commence within twelve (12) months after the catastrophe; and

(b) the structure shall be restored or rebuilt to the same design, including materials and design details as existed previously; or should the restoration not be feasible necessitating that the structure be rebuilt to a different design, said design shall be at least equal to the origin design of the structure in quality of materials used, the quantity and quality of design details employed, and the compatibility of the site design with abuttirg properties;

(c) the Community Development Department shall certify to the Superintendent of Buildings that the above conditions have been met.

Should the Community Development Department find that said conditions have not been met, the restoring or rebuilding shall require a special permit from the Board of Zoning Appeal.

The restored or rebuilt structure shall in no respect increase the nonconforming nature of the original structure; nothing in this Section, however, shall prohibit a rebuilding or restoring which reduces the nonconforming nature of the original structure.

Notes on the Kirkland Place Overlay District Petition

Paul Doty - Dec. 22, 1991

According to my understanding of the Overlay Petition our original Petition would be replaced by this one. Harvard University would support the new Overlay Petition, whereas it had not been asked to support the original one.

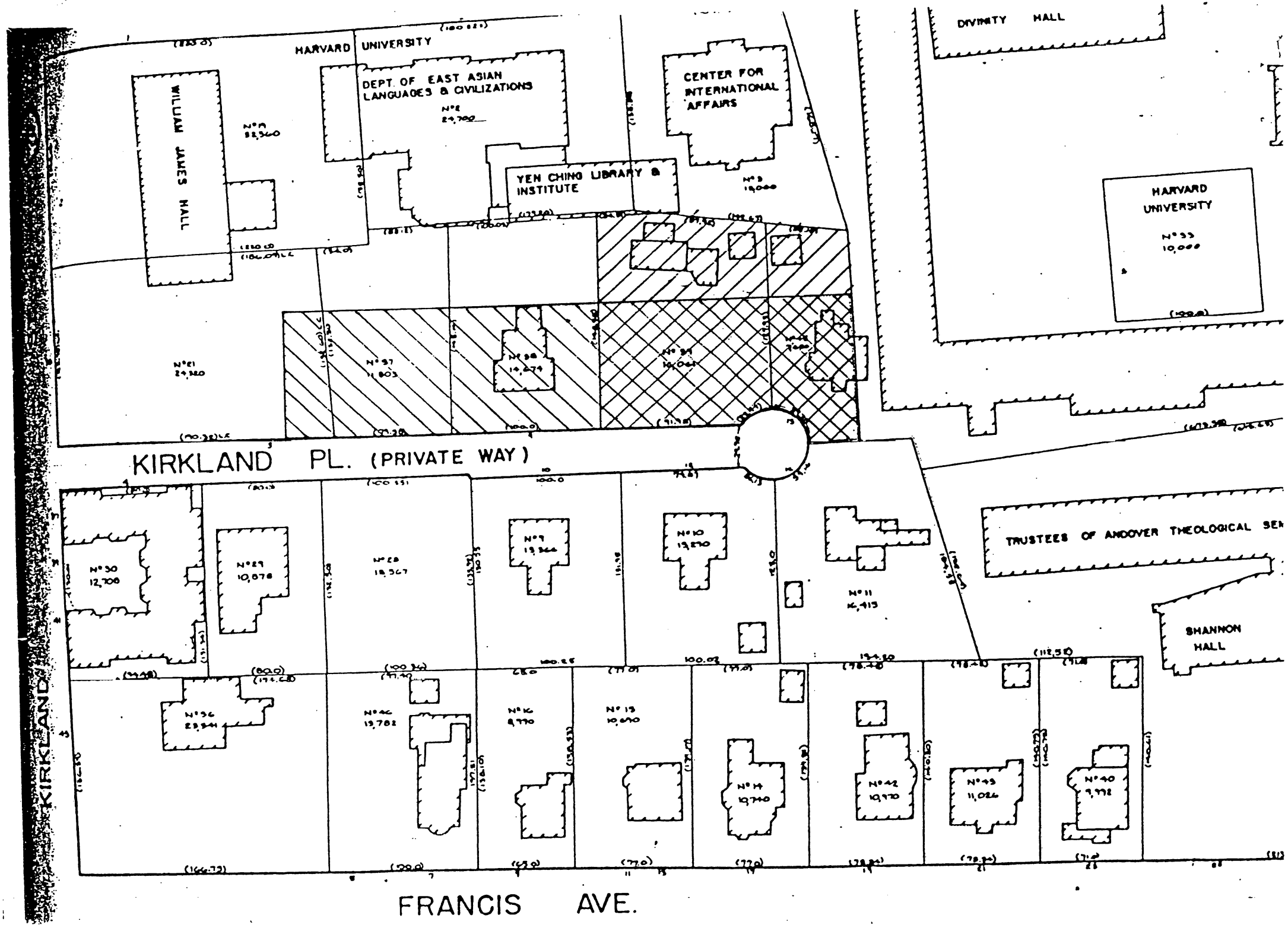
1. The two lots (Nos. 11 and 13) specified in the original Petition are replaced by a larger area that includes 63% of the two lots (those portions which abut Kirkland Place) and extends southward along Kirkland Place terminating 100 feet inside the present parking lot of William James Hall. The new area is 50% larger than that of the two lots specified in our original petition: it extends 90 feet back from the edge of Kirkland Place and is 402 feet in length. Both areas are shown on the attached map.

2. The strip of land beyond the 90 foot deep "overlay" (that is, the strip about 50 feet in width lying west of the "overlay") would remain zoned as C-3. It includes the residence at No. 11 and the garage at No. 13. Under this proposal the residence at No. 11 could be used institutionally by its future owners.

3. The new Overlay District would provide lots of approximately 10,000 sq. feet each which could be used for building residences of the size and general appearance as those already on Kirkland Place, that is 3-story buildings about 40 x 40 feet. These could be used as residences or institutionally as No. 9, formerly Provost Buck's house, is now. Any building beyond this amount would have to be entirely underground. The new buildings would have to meet the setback and open space requirements of A-2 zoning. Finally, the right of rebuilding any structure damaged by fire is permitted if it is in the same size and style.

It seems obvious that the Overlay District prevents the building of any building larger than the size of those presently on Kirkland Place in the front part of No. 11 and thereby meets our original aim. In addition it provides the same protection to the remainder of Kirkland Place, more than twice the frontage specified in our original Petition and envisages retrieving a significant part of the William James Parking lot. Hence, the new petition removes the threat of a large building not only at No. 11 but anywhere on the whole western

side of Kirkland Place. Furthermore, it provides two building sites for residence-like buildings on 10,000 sq. foot lots that may be used as homes and allows for a spacious pedestrian-way. Thus, the new Overlay Petition goes well beyond the intent of our original petition and redefines the border area between Kirkland Place and the University in a way that both protects and enlarges the residential neighborhood area of Kirkland Place and west to Francis and Irving Streets.


HARVARD UNIVERSITY
WILLIAM JAMES HALL
DEPT. OF EAST ASIAN LANGUAGES & CIVILIZATIONS
CENTER FOR INTERNATIONAL AFFAIRS
YEN CHING LIBRARY & INSTITUTE
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HARVARD UNIVERSITY
KIRKLAND PL. (PRIVATE WAY)
TRUSTEES OF ANDOVER THEOLOGICAL SEM
SHANNON HALL
KIRKLAND ST.
FRANCIS AVE.

Presentation to Cambridge City Council Hearing
Nov. 20, 1991

I am Paul Doty living at 4 Kirkland Place since 1955. Until retiring last year I had been on the faculty of Harvard for 42 years.

Our petition asks for a downzoning of the properties at 11 and 13 Kirkland Place in order to prevent the development of a high rise apartment that would destroy the neighborhood on Kirkland Place. When my family moved to Kirkland Place there were 7 family residences: now there are 5. If 11 Kirkland Place were put to other use there would be only 4. If Kirkland Place, which could accommodate 9 family houses, were to become dominated instead with a high rise apartment bringing in 3 to 4 times as many people as live here now, the character of Kirkland Place would be so radically altered that it could no longer be a neighborhood and its historical nature would be lost.

The existing restrictions on 11 Kirkland Place zoned as C-3 would allow an apartment of 6,000 sq. ft. floor area and 8 stories to be built. The traffic congestion that such a building would generate is so great that it is difficult to imagine. Kirkland Place is a narrow Private Way only 17 feet curb-to-curb. With some cars always parked on one side, only 11 feet remain for two way traffic which is essential since it is a dead-end street. At present egress is often blocked so that cars have to back up to accommodate incoming vehicles. With up to 80 persons residing in a high rise apartment together with their cars, their visitors and services, chaos would result.

The few opponents of this petition are likely to charge that we are asking for spot zoning. However, this cannot be the case for several reasons. First, before the city-wide rezoning of 1960 both sides of Kirkland Place were zoned as A-2. What we ask is a partial reversal of this ill-conceived action, that is to restore the earlier situation by extending A-2 zoning around the end of Kirkland Place and back down the western side. Second, this enlargement of existing A-2 zoning covers the only two properties that are subject to extensive development since they could be sold to developers by their present owners. Third, the down-zoning we request is not for an isolated area in the midst of differently zoned surroundings, but for an extension continuous with the A-2 zoning on the eastern side

that goes half way around the circle at the end of Kirkland Place. Thus our request is not for spot zoning but rather the restoration of the earlier zoning that had made a neighborhood possible and which is contiguous with that which remains zoned as A-2.

An examination of the street plan shows that it would be highly desirable for the two lots south of 11 Kirkland Place to be returned to A-2 zoning as well. This would then completely restore that situation before 1960. These two lots are owned by Harvard and discussions are now underway to see if they might be included. If such an agreement could be reached before the Planning Board hearing, we would revise our petition or enter a new one. Were this not to occur we would urge the granting of the present petition as it is the only way to prevent a very lovely and historically important but very fragile neighborhood from going extinct.

Paul Doty
4 Kirkland Place
Cambridge, MA 02138
617 864-6679

RECEIVED BY
OFFICE OF CITY CLERK
1991 DEC 31 AM 11:38
CAMBRIDGE MA.

December 31, 1991

Mr. John Flynn
City Hall
Cambridge, MA 02129

Dear Mr. Flynn:

I enclose with this letter a Petition requesting an amendment to the Cambridge Zoning Ordinance that would create a Kirkland Place Overlay District. This is defined in the petition itself and further explained in a Note that I have attached.

This petition evolved out of an earlier petition that was heard by the Committee on Ordinances on November 20, 1991. This new petition is supported by Harvard University and increases by 50% the area on the western side of Kirkland Place that was the subject of the earlier petition. Thus the whole western side of Kirkland Place would come under A-2 zoning with allowance for institutional use. If this petition were granted the historic character of Kirkland Place would be preserved and both the possibility and the incentive to add three new houses would be created. In this way the purpose of our earlier petition would be fully achieved and the residential character of all of Kirkland Place insured.

Once this new petition is given notice, the petitioners would want it to replace the earlier petition, but that earlier petition should remain on the table so that it could be reactivated in the event that this petition encounters difficulty.

I include with this Petition in addition to my Note, a large scale drawing of the newly defined District, the signatures of 35 neighbors, and the statement I made at the November 20th hearing which describes the origins of the situation which has led to the present petition.

Sincerely yours,

Paul Doty

KIRKLAND PLACE OVERLAY DISTRICT PETITION

RECEIVED BY
OFFICE OF CITY CLERK
1991 DEC 31 AM 11:38
CAMBRIDGE MA

We the undersigned respectfully petition the Honorable, the City Council of the City of Cambridge, to amend the rules and regulations of the Zoning Ordinance, Article 11, in conformance with the Petition attached hereto.

Signature	Printed Name	Address	Phone
✓ Paul M. Doty	PAUL M. DOTY	4 Kirkland Pl.	864-6679 ✓
✓ Helga B. Doty	HELGA B. DOTY	4 Kirkland Pl.	864-6679 ✓
✓ Margaret A. McKenna	Margaret A. McKenna	12 Kirkland Pl	661-3806 ✓
✓ Elena Z. Levin	Elena Z. Levin	14 Kirkland Pl.	876-0289 ✓
✓ Harry T. Levin	HARRY T. LEVIN	14 KIRKLAND PL.	876-0289 ✓
✓ Caroline C. Murray	CAROLINE C. Murray	22 Francis Ave	491-3556 ✓
✓ Mary Louise Lord	MARY Louise Lord	23 Francis ave	876-6345 ✓
✓ Daniel Bell	Daniel Bell	65 Francis Ave, Cambridge	547-8524 ✓
✓ Mrs. Edith H. Kuenets	Edith H. Kuenets	67 Francis ave	868-6633 ✓
✓ Nancy L. Salzman	Nancy Salzman	68 Francis Ave	868-9165 ✓
✓ Edwin W. Salzman M.D.	Edwin W. Salzman	68 Francis Ave	868-9165 ✓
✓ Nancy P. Homans	Nancy P. Homans	11 Frances Ave.	547-4737 ✓
✓ C.K. Galbraith	C.K. Galbraith	30 Frances Ave.	491 7242 ✓
✓ Catherine S. Galbraith	Catherine S. Galbraith	30 Francis Ave	491-7242 ✓
Anne B. Kaplan	Anne B. Kaplan	16 Frances Ave	354-2572 ✓
Justin D. Kaplan	Justin D. Kaplan	16 Francis Ave	354-2577 ✓
Jane Hatfield	JANE HATFIELD	40 Fernald Dr.	876-1933 ✓
Jane Hatfield	JANE HATFIELD	" "	" " ✓
Ellen Spaethling	Ellen Spaethling	101 Washington Ave	547-4822 ✓
Robert Spaethling	ROBERT SPAETHLING	" "	" " ✓
Heather E. Cole	Heather E. Cole	19 Clinton St.	354-4724 ✓

I, the above signed, am a registered voter in the City of Cambridge.

✓ = Registered Voters as listed in 1991 Street Listing Book

cont'd next page

KIRKLAND PLACE OVERLAY DISTRICT PETITION

We the undersigned respectfully petition the Honorable, the City Council of the City of Cambridge, to amend the rules and regulations of the Zoning Ordinance, Article 11, in conformance with the Petition attached hereto.

Signature	Printed Name	Address	Phone
Nisha Holton		64 FRANCIS AVE	868-9003 ✓
Gerald Holton		64 Francis Ave	868-9003 ✓
Marian C. Schlesinger		109 IRVING St. Cambridge 02138	491-3689 ✓
Paul K. Bell		65 Francis Av Cam	547-852 ✓
[illegible] (EK)		9 Francis AV Cambridge	876-5105 ✓
Kimiko Eke (EK)		9 Francis Ave Cambridge	876 5105
John W. Howell	(John W. GORMAN)	7 FRANCIS Ave	3540674
Hannah Holzman	Hannah Holzman,	7 Francis Ave.	354-1632 ✓
[illegible]	(Philip S. HOLZMAN)	7 FRANCIS AVE	354-1632 ✓
[illegible]	Julia Phelps	107 IRVING ST.	864-2847 ✓
Reginald H. Phelps	Reginald H. Phelps	107 IRVING ST.	864-2847 ✓

I, the above signed, am a registered voter in the City of Cambridge.

cont'd next page

KIRKLAND PLACE OVERLAY DISTRICT PETITION

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Signature	Printed Name	Address	Phone
Stratis Haviaras	STRATIS HAVIARAS	19 CLINTON, 02139	354-4724
	Claes Nilsson	4A Kirkland Place CAMBRIDGE 02138	491-1730
Kathy Spiegelman for	President and Fellows Harvard College c/o Planning Office Holyoke 912 1350 Mass. Ave. Camb. MA 02138		

I, the above signed, am a registered voter in the City of Cambridge.

The undersigned respectfully pray that the Cambridge Zoning Ordinance be amended as follows:

By adding a new Section 11.400 to be called the Kirkland Place Overlay District which shall read as follows:

11.400 KIRKLAND PLACE OVERLAY DISTRICT

11.401 *Establishment and Scope.* There is hereby established the Kirkland Place Overlay District which shall be governed by the regulations and procedures specified in this Section 11.400. These regulations are intended to provide a transition between the character and scale of the abutting A-2 residential district and the development options possible in the base Residence C-3 zone. It is the intent of this Section that these regulations will apply to a single area located at the westerly edge of Kirkland Place, north of Kirkland Street and bounded and described as follows:

Beginning at a point said point being the intersection of the westerly street line of Kirkland Place and a line 135 feet distant from and parallel to the northerly street line of Kirkland Street. Thence running westerly 90 feet to a point said point being the intersection of a line 135 feet distant from and parallel to the northerly street line of Kirkland Street and a line 90 feet distant from and parallel to the westerly street line of Kirkland Place. Thence turning and running northerly along the line 90' distant from and parallel to the westerly street line of Kirkland Place 402 feet to a point said point being the intersection of a line 90' distant from and parallel to the westerly street line of Kirkland place and the northerly lot line of lot #45 as shown on Assessors' Plat #145. Thence, turning and proceeding easterly along said northerly lot line to the northeasterly corner of said lot #45. Thence turning and running southerly along the easterly lot line of lot #45 to the intersection of the lot line and the circular part of Kirkland Place. Thence, turning and proceeding southwesterly along circular part of westerly street line of Kirkland Place approximately 62.69 feet. Thence, turning and running southerly along the western street line of Kirkland Place for a distance of approximately 327 feet, to the point of origin.

The affected premises: odd numbers 3-13 Kirkland Place, all or portions of lots numbered 21, 37, 38, 39, and 45 as shown on Assessors' Plat #145.

11.402 *General Purpose.* It is the purpose of this Section 11.400 to augment the existing zoning regulations to respond to the unique problems and pressures for change particular to the Kirkland Place area. These regulations are intended to encourage retention of buildings of historic value and enhance the established streetscape; to maintain the visual character and open space patterns; and to provide sufficient regulatory flexibility to advance the general purposes of this Section 11.402.

11.403 *Applicability*

The Kirkland Place Overlay District shall be an overlay district on the zoning map established by Section 3.20.

The buildings and land uses within said district shall be controlled by the pertinent regulations within the base zoning district, except as modified by the requirements of Section 11.400 which shall apply in addition to regulations imposed by the base zoning map designation. Where the base zoning regulations differ from requirements of this Section 11.400, the requirements of this Section shall apply. Divergence from the standards established in this Section may be allowed only by issuance of a Special Permit by the Planning Board as specified in Section 10.45. The Board may grant such a permit upon its determination that the development proposed will better serve the objectives of this Section 11.400 and that the criteria specified in Section 10.43 will be satisfied.

11.404 The Kirkland Place Overlay District shall be considered an area of special planning concern.

Development proposals listed in Subsection 11.42, Development Consultation Procedures, shall be subject to the Development Consultation Procedure specified in Section 11.40.

11.405 *Use Regulations*

Use Regulations of the Residence C-3 zoning designation shall apply in the Kirkland Place Overlay District.

11.406 *Dimensional Standards in the Kirkland Place Overlay District*

11.406.1 Floor Area Ratio.

The above ground floor area ratio shall be the same as in the A-2 zoning district. The overall floor area ratio in the Overlay District shall be 3.0. Any floor area created in excess of .5 must be completely below grade.

11.406.2 Maximum Height.

The maximum height in the Overlay District shall be 35 feet.

11.406.3 Setbacks.

Building setbacks in the Overlay District shall be the same as in the Residence A-2 zoning district.

11.406.4 Useable Open Space.

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Notwithstanding the provisions of Section 8.23, that portion of a legal nonconforming structure lying within the Kirkland Place Overlay District which is destroyed or damaged by fire, explosion or other catastrophe may be rebuilt or restored and used again in the same way as it had been legally used immediately before the damage, without limit as to cost of such rebuilding or restoring provided the following conditions are met:

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C-3 ZONE

PROPOSED OVERLAY ZONE

A-2 ZONE

B-ZONE

135'

90'

KIRKLAND PL. (PRIVATE WAY)

YEN CHING LIBRARY & INSTITUTE

TRUS

Notes on the Kirkland Place Overlay District Petition

Paul Doty - Dec. 22, 1991

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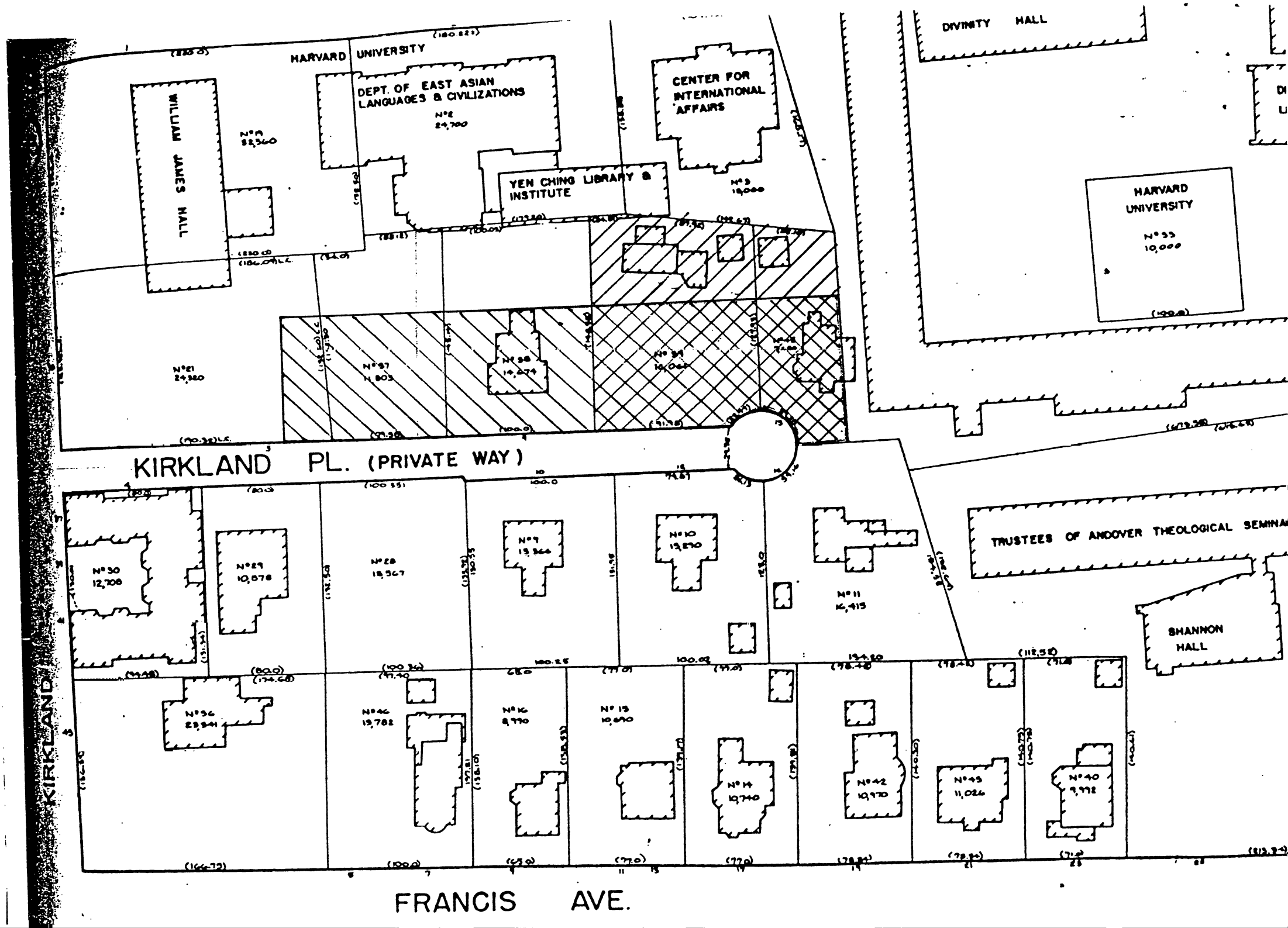
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FRANCIS AVE.

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Nov. 20, 1991

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The few opponents of this petition are likely to charge that we are asking for spot zoning. However, this cannot be the case for several reasons. First, before the city-wide rezoning of 1960 both sides of Kirkland Place were zoned as A-2. What we ask is a partial reversal of this ill-conceived action, that is to restore the earlier situation by extending A-2 zoning around the end of Kirkland Place and back down the western side. Second, this enlargement of existing A-2 zoning covers the only two properties that are subject to extensive development since they could be sold to developers by their present owners. Third, the down-zoning we request is not for an isolated area in the midst of differently zoned surroundings, but for an extension continuous with the A-2 zoning on the eastern side

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An examination of the street plan shows that it would be highly desirable for the two lots south of 11 Kirkland Place to be returned to A-2 zoning as well. This would then completely restore that situation before 1960. These two lots are owned by Harvard and discussions are now underway to see if they might be included. If such an agreement could be reached before the Planning Board hearing, we would revise our petition or enter a new one. Were this not to occur we would urge the granting of the present petition as it is the only way to prevent a very lovely and historically important but very fragile neighborhood from going extinct.

Consent Comm. # 8 O-13

Petition received from Paul & Helga Doty, et al to amend the Zoning Ordinances of the City of Cambridge by adding a new Section 11.40 entitled "Kirkland Place Overlay District."

4/6/92 - Passed to be ordained as amended 8-0-1.

4/9/92 - Published - Chronicle

In City Council,

January 13, 1992

Refered to the Ordinance Committee & Planning Board.
Copy sent to P.B. & Ordinance Comm. 1/14/92 dc