

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

BZA APPLICATION FORM

Plan No: BZA-016964-2018

GENERAL INFORMATION

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

Special Permit: v Variance: Appeal:

PETITIONER: New Cingular Wireless PCS, LLC d/b/a AT&T Mobility C/O Ryan Lynch, Smartlink

PETITIONER'S ADDRESS: 85 Rangeway Road, Building 3, Suite 102 North Billerica, MA 01862

LOCATION OF PROPERTY: 330 Mt Auburn St Cambridge, MA 02138

TYPE OF OCCUPANCY: Hospitals ZONING DISTRICT: Residence C-1/C-3 Zone

REASON FOR PETITION :

Other: Wireless Communications Facility upgrade

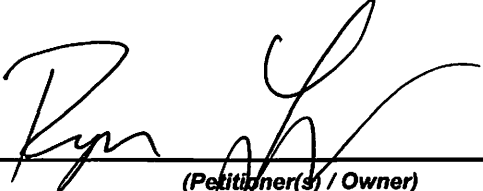
DESCRIPTION OF PETITIONER'S PROPOSAL :

AT&T proposes to make minor modifications to its existing cell site at this location as part of nationwide network upgrades. The proposed scope of work is to replace (3) panel antennas with (3) new panel antennas, and install (9) remote radio units and associated equipment at the site.

SECTIONS OF ZONING ORDINANCE CITED :

Article <u>4.000</u>	Section <u>4.32.G.1 (Telecommunications Facility).</u>
Article <u>4.000</u>	Section <u>4.40 (Footnote 49) (Telecommunications Facility).</u>
Article <u>10.000</u>	Section <u>10.40 (Special Permit).</u>
Article <u>6409</u>	Section <u>Middle Class Tax Relief and Job Creation Act</u>

Original Signature(s) :


(Petitioner(s) / Owner)

Ryan Lynch / Smartlink / AT&T
(Print Name)

Address : 85 Rangeway Rd, Bldg 3, Rm 102
N. Billerica, MA 01862

Tel. No. : (781) 392-4040

E-Mail Address : Ryan.Lynch@smartlink.com

Date : 7/27/18

BZA APPLICATION FORM - OWNERSHIP INFORMATION

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


I/We Mount Auburn Hospital _____
(OWNER)

Address: 330 Mt. Auburn Street, Cambridge, MA 02138 _____

State that I/We own the property located at 330 Mt. Auburn Street, Cambridge, MA 02138 which is the subject of this zoning application.

The record title of this property is in the name of Mount Auburn Hospital _____

*Pursuant to a deed of duly recorded in the date 12/15/2006, Middlesex South County Registry of Deeds at Book 48678, Page 280; or Middlesex Registry District of Land Court, Certificate No. _____
Book _____ Page _____.

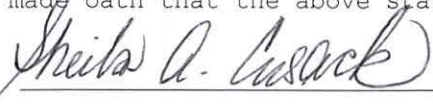


SIGNATURE BY LAND OWNER OR
AUTHORIZED TRUSTEE, OFFICER OR AGENT*
Nicholas T. DiIeso C.O.O.

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

Commonwealth of Massachusetts, County of Middlesex _____

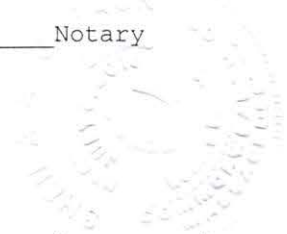
The above name Nicholas T. DiIeso personally appeared before me, this 25th of April, 2018, and made oath that the above statement is true.



Notary

My commission expires 7-6-2018 (Notary Seal).

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



BZA APPLICATION FORM

SUPPORTING STATEMENT FOR A SPECIAL PERMIT

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

Granting the Special Permit requested for 330 Mt Auburn St Cambridge, MA 02138 (location) would not be a detriment to the public interest because:

- A)** Requirements of the Ordinance can or will be met for the following reasons:
See attached support statements
- B)** Traffic generated or patterns of access or egress would not cause congestion hazard, or substantial change in established neighborhood character for the following reasons:
See attached support statements
- C)** The continued operation of or the development of adjacent uses as permitted in the Zoning Ordinance would not be adversely affected by the nature of the proposed use for the following reasons:
See attached support statements
- D)** Nuisance or hazard would not be created to the detriment of the health, safety and/or welfare of the occupant of the proposed use or the citizens of the City for the following reasons:
See attached support statements
- E)** For other reasons, the proposed use would not impair the integrity of the district or adjoining district or otherwise derogate from the intent or purpose of this ordinance for the following reasons:
See attached support statements

Donna P. Lopez, City Clerk City of Cambridge City Hall 795 Massachusetts Avenue Cambridge, MA 02139	Constantine Alexander, Chair Board of Zoning Appeal City Hall 795 Massachusetts Avenue Cambridge, MA 02139
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Applicant: New Cingular Wireless PCS, LLC (“AT&T”)
 Property Address: 330 Mount Auburn Street, Cambridge, MA 02140
 Assessor’s Map 241, Lot 14-8 (the “Property”)

Re: Application for:
 (i) Eligible Facilities Request pursuant to Section 6409 of the Middle Class Tax Relief and Job Creation Act of 2012, 47 U.S.C. § 1455; or, in the alternative,
 (ii) Special Permit under Cambridge Zoning Ordinance Section 4.32(g)(1) and M.G.L. c. 40A, Section 9; and
 (iii) Any other zoning relief required.
 (All relief if and to the extent necessary, all rights reserved)

Dear Ms. Lopez, Mr. Alexander and Members of the Board of Zoning Appeal:

Pursuant to Section 6409 of the Middle Class Tax Relief and Job Creation Act of 2012 (a/k/a the “Spectrum Act” or “Section 6409”), 47 U.S.C. § 1455, as further implemented by the Federal Communications Commission’s Report and Order *In re Acceleration of Broadband Deployment by Improving Wireless Facilities Siting Policies*, FCC Docket No. 13-238, Report and Order No. 14-153 (October 17, 2014) (the “FCC Order”), New Cingular Wireless PCS, LLC (“AT&T”) hereby submits this Eligible Facilities Request (“Request”); and, in the alternative, applies for a special permit from the City of Cambridge Board of Zoning Appeal (the “Board”) under Section 432(g)(1) of the Cambridge Zoning Ordinance (the “Ordinance”) to modify its existing “Telephone Exchange including Transmission Facilities to serve a Mobile Communication System” (the “Facility”) on and within the existing building located at 330 Mount Auburn Street. (the “Special Permit Application”).²

Under Section 6409, AT&T’s proposed modification of its existing transmission equipment on and within the existing building, previously approved by the Board for use as a wireless communication base station, does “not substantially change the physical dimensions” of the existing building. Therefore, AT&T’s Request must be approved administratively, including the issuance of a building permit, to enable AT&T to make the proposed modifications to its transmission equipment.

² AT&T submits this Request, Special Permit application and supporting materials subject to a full and complete reservation of AT&T’s rights under the Spectrum Act and the FCC Order including without limitation its rights with respect to (i) any submittal requirements or approval criteria that are inconsistent with the prohibitions established by the FCC Order, (ii) any delay beyond the deadlines established in the FCC Order, (iii) the imposition of conditions on any approval that are inconsistent with the FCC Order, and (iv) referral or requirement to a discretionary review process such as a special permit.

In the alternative, as demonstrated in this application letter, the AT&T's proposed modifications to its existing Facility on the Property located in the PUD-2 & Residence C-3A zoning district satisfy the requirements for the grant of a special permit pursuant to Section 10.43 of the Ordinance.

I. APPLICATION PACKAGE

Enclosed with this application is a check payable to the City of Cambridge in the amount of \$500.00. In addition to the signed original of this letter are copies of the letter and the following materials:

1. The following completed and signed application forms:
 - a. BZA Application Form – General Information;
 - b. BZA Application Form – Ownership Information;
 - c. BZA Application Form – Dimensional Requirements;
 - d. BZA Application Form – Supporting Statement for a Special Permit; and
 - e. BZA Application Form – Check List;
2. AT&T's relevant FCC License information;
3. The following drawings prepared by Infinigy:

SHEET	TITLE	REV DATE
T1	Title Page	3/16/18
C1	General Notes	3/16/18
C2	Overall Site Plan	3/16/18
C2A	Enlarged Site Plan	3/16/18
C3	Elevation View	3/16/18
C4	Antenna Orientation Plan	3/16/18
C5	Equipment Details	3/16/18
C6	Plumbing Diagram	3/16/18
C7	Grounding Details	3/16/18

4. Manufacturer's specification sheets for AT&T's proposed antennas and other featured equipment;
5. Photographs of the existing building and photo simulations of the proposed modifications Facility by Infinigy dated 4/16/2018
6. Radio Frequency Coverage Report, demonstrating the public need for the proposed modifications to the Facility, radio frequency coverage maps showing (a) existing or predicted coverage from neighboring facilities; and (b) coverage with the proposed Facility;

7. Structural Analysis by Infinigy dated 3/1/2018
8. Maximum Permissible Exposure Study, Theoretical Report, by Site Safe, dated April 25, 2018
9. Deed to subject property;
10. Attorney General's letters to the Towns of Mount Washington, Lynnfield and Montague; and
11. Special Permit for the existing Facility granted by the BZA on October 11, 2013

II. PROPOSED FACILITY DESIGN

The proposed modifications consist of the replacement of (3) antennae, (1) per sector. The replacement antennas will be mounted to the building facade, and will have no visible change to the current Facility's design. Nine (9) remote radio-head units (RRUs) will be mounted on the interior of the building walls, out of public view.

The Facility's design is shown in detail in the Drawings attached as Exhibit 3 to this application letter and featured equipment is described in the manufacturers' specification sheets attached as Exhibit 4. The photographs and photo simulations (Exhibit 5) show the existing Facility from various locations in the neighborhood around the Property and as simulated with proposed modifications. A structural analysis for the Facility demonstrates that the building is capable of supporting AT&T's proposed equipment at or near the locations shown on the Drawings (*see* Exhibit 7).

The Facility will continue to bring advanced wireless voice, text and data communications services to the surrounding areas. It will allow residents, professionals, government, businesses and students to communicate locally, nationally and internationally from virtually any location within the coverage area. In the event of an emergency, the improved Facility will allow immediate contact with fire, rescue and other emergency personnel. The improved Facility will thus enhance public health, safety and welfare both in ordinary daily living and in the event of fire, accident, medical emergency, natural disaster or other dangers.

III. BACKGROUND

AT&T is licensed by the Federal Communications Commission to construct and operate a wireless telecommunications network in various markets throughout the country, including the Commonwealth of Massachusetts and the City of Cambridge. A copy of the AT&T's FCC license that covers the area of the proposed Facility is included with this application (*see* Exhibit 2). AT&T is in the process of designing and constructing additional wireless facilities to its existing telecommunications system to serve Massachusetts. One of the key design objectives of its systems is to provide adequate and reliable coverage. Such a system requires a grid of radio transmitting and

receiving links located approximately .5 to 2 miles apart, depending on the location of existing and proposed installations in the surrounding area, the extent of use of AT&T's wireless services within the network, and the existing topography and obstructions. The radio transmitting and receiving facilities operate on a line-of-sight basis, requiring a clear path from the facility to the user on the ground. In urban settings, this dynamic requires the antennas to be located on buildings at heights and in locations where the signal is not obstructed or degraded by other buildings or by topographical features such as hills.

IV. RF COVERAGE DETERMINATION

AT&T has performed a study of radio frequency coverage for the City of Cambridge and from the Property, the results of which are described in the Radio Frequency Report submitted with this application (see Exhibit 6). Without the proposed modifications to its existing Facility, AT&T has a substantial coverage gap in this area of Cambridge. AT&T has determined that the proposed modifications to the existing Facility located on the building at the Property will provide needed coverage to the targeted sections of the City and the immediately surrounding area if AT&T's antennas are located on the building's roof at the height and in the configuration requested. The importance of a facility at this location is underscored by AT&T's interest in enhancing its ability to provide its most up-to-date wireless technology, known as long-term evolution technology ("LTE"), in this area to satisfy its customers' ever-increasing needs for high-speed data services. Radio frequency coverage maps included in the report are provided to pictorially and vividly show the differences in existing and proposed wireless coverage at the various bands authorized for AT&T's service. The maps show dramatic improvements to wireless coverage at all three (3) bands with the inclusion of the proposed Facility, namely, at 700, 1900, and 2100 MHz.

V. THE FEDERAL SPECTRUM ACT AND THE FCC ORDER

As set forth below, the proposed modifications constitute an Eligible Facilities Request pursuant to the federal Spectrum Act,³ as further implemented by the FCC Order.⁴

Under the Spectrum Act, as further clarified by the FCC Order, the streamlined process for this Eligible Facilities Request is limited to non-discretionary review. Specifically, the FCC Order "adopt[s] an objective standard for determining when a proposed modification will 'substantially change the physical dimensions' of an existing tower or base station." *FCC Order*,

³ Pursuant to Section 6409(a)(2) an "eligible facilities request" means any request for modification of an existing wireless tower or base station that involves—

- (A) collocation of new transmission equipment;
- (B) removal of transmission equipment; or
- (C) replacement of transmission equipment.

47 U.S.C. § 1455(a)(2).

⁴ The Order was effective on February 9, 2015, except for § 1.40001, which became effective on April 8, 2015, except for §§ 1.40001(c)(3)(i), 1.40001(c)(3)(iii), 1.140001(c)(4), and 17.4(c)(1)(vii), which became effective on May 18, 2015, after approval by the Office of Management and Budget. The FCC Order makes clear that under the Spectrum Act discretionary review is not required or permitted for an Eligible Facilities Request.

¶ 87. As stated in the FCC Order, Section 6409 “states without equivocation that the reviewing authority ‘may not deny, and shall approve’ any qualifying application. This directive leaves no room for a lengthy and discretionary approach to reviewing an application that meets the statutory criteria.” *FCC Order*, ¶ 116.

In issuing the FCC Order and eliminating discretionary review for eligible facilities requests, the FCC’s goal was to “adopt a test that is defined by specific, objective factors rather than the contextual and entirely subjective standard advocated by the IAC and municipalities.” The FCC intentionally sought to reduce “flexibility” and “open ended context-specific approach” engendered by the discretionary review process:

While we acknowledge that the IAC approach would provide municipalities with maximum flexibility to consider potential effects, we are concerned that it would invite lengthy review processes that conflict with Congress’s intent. Indeed, some municipal commenters anticipate their review of covered requests under a subjective, case-by-case approach could take even longer than their review of collocations absent Section 6409(a). We also anticipate that disputes arising from a subjective approach would tend to require longer and more costly litigation to resolve given the more fact-intensive nature of the IAC’s open-ended and context-specific approach. We find that an objective definition, by contrast, will provide an appropriate balance between municipal flexibility and the rapid deployment of covered facilities. We find further support for this approach in State statutes that have implemented Section 6409(a), all of which establish objective standards.

FCC Order, ¶ 88.

As a result, the FCC Order implementing Section 6409 establishes clear and objective criteria for determining eligibility, limits the types of information that a municipality may require when processing an application for an eligible facilities request, and imposes a “deemed granted” remedy for failure to timely process and eligible facilities request.⁵ The FCC Order also establishes significant limits on the information that can be required to be provided with an eligible facilities request and limits it to only that information “reasonably related to determining whether the request meets the requirements of this section. A State or local government may not require an applicant to submit any other documentation”. 47 CFR 1.40001(c)(1).

Both before and after the FCC Order was issued, the Massachusetts Attorney General’s Office provided clear guidance that an eligible request cannot be subjected to a discretionary special permit process. *See* Attorney General’s letters to (i) Town of Mount Washington, dated June 12, 2014, p. 3 (ii) Town of Lynnfield, dated February 10, 2015, p. 3 (the “AG Lynnfield Letter”) and (iii) Town of Montague, dated February 23, 2015, p. 2 (all attached hereto). As set forth in each letter [t]he Act’s requirement that a local government ‘may not deny, and shall approve, any eligible facilities request’ means that a request for modification to an existing facility that does not substantially change the physical dimensions of the tower or base station must be approved. ***Such qualifying requests also cannot be subject to a discretionary special***

⁵ *See* 47 CFR §§1.40001(c)(1) - (c)(4).

permit.”)(Emphasis added). In providing these opinions, the Attorney General’s Office specifically opined that provisions in zoning ordinances that specifically required a special permit for modifications to existing facilities could not be applied to eligible facilities requests. While approving the Town of Lynnfield’s Zoning Bylaw, the Attorney General stated that “Section 8.7.5.1 requires that PWSF may only be erected upon the grant of a special permit. The Town cannot apply this requirement to eligible facilities requests for modification to existing facilities that qualify for required approval under Section 6409 of the Act.” *AG Lynnfield Letter*, p. 3.

Therefore, as set forth in the FCC Order and Attorney General’s opinion letters, the City cannot impose a requirement that AT&T obtain a special permit, or an amendment to an existing special permit utilizing the same discretionary review process, in connection with its eligible facilities request. To the extent that the City of Cambridge’s Zoning Ordinance and any prior decisions by the Board include provisions seeking to further regulate the modification of wireless communication facilities, federal law overrules those requirements. *See Sprint Spectrum L.P. v. Town of Swansea*, 574 F.Supp.2d 227, 236 (2008) (Board is obligated to consider whether its actions would violate federal law even if a different outcome would be permitted under state law). The standard of review for an application to modify an existing wireless communication facility on an existing tower or base station is governed by the Spectrum Act and the FCC Order which require eligible facilities requests to be permitted “by right.”

In addition, the FCC Order establishes a 60-day period for approval from the time of AT&T’s submission. 47 CFR §1.40001(c)(2). Within the context of the Spectrum Act and FCC Order, approval means all necessary approvals to permit the proposed modifications, including the issuance of a building permit, if required. The FCC found that this 60-day period is appropriate due to “the more restricted scope of review applicable to applications under section 6409(a).” *FCC Order*, ¶ 108. If the Request is not acted upon within the 60-day period, it is deemed granted. 47 CFR §1.40001(c)(4).

As set forth below, the proposed modifications constitute an eligible facilities request. Therefore, AT&T respectfully requests the Board to find that Section 4.32(g)(1) of the Ordinance does not apply to its Request.

VI. THE PROPOSED MODIFICATIONS ARE AN ELIGIBLE FACILITIES REQUEST

Under Section 6409 and the FCC Order, a “base station” means “[a] structure or equipment at a fixed location that enables Commission-licensed or authorized wireless communications between user equipment and a communications network.” 47 C.F.R §1.40001(b)(1). A Base Station includes “any structure other than a tower” that supports or houses “authorized wireless communications between user equipment and a communications network.” 47 C.F.R §1.40001(b)(1). Therefore, the existing building that is currently used for FCC-licensed transmissions for personal wireless services is a “base station” for purposes of Section 6409.

AT&T proposes to modify its existing Facility as described above and depicted on the Plans submitted herewith.

The proposed modifications will not require the installation of any part of the facility on the ground outside of the building.

As a result, AT&T’s proposed modifications involving the removal and replacement of the existing transmission equipment constitute an “eligible facilities request” under Section 6409. The proposed eligible facilities request is not a “substantial modification” under Section 6409 and the FCC Order because it does not:

- (i) Result in an increase in “the height of the structure by more than 10% or more than ten feet, whichever is greater” because the proposed replacement antennas will either be mounted and located below the screen wall or utilize the existing equipment mounting frame that therefore will not exceed 10 feet above the existing building;
- (ii) Protrude from the edge of the building by more than six feet because AT&T’s proposed antennas will not protrude more than six feet from building façade;
- (iii) Involve the installation of more than the standard number of new equipment cabinets for the technology involved, but not to exceed four cabinets, because no new radio communications equipment cabinets will be installed;
- (iv) Require any excavation or deployment outside the current site of the tower or base station because all antennas, equipment cabinets and related equipment will be installed entirely on and within the existing building; or
- (v) Otherwise defeat the existing concealment elements of the tower or base station because the proposed replacement antennas will be located behind the existing screen wall or utilize the existing mounting frame and will continue to integrate the Facility into the existing architecture of the building. Therefore, AT&T’s proposed Facility will remain aesthetically consistent with the exterior finish of the building as well as maintain the concealment elements of the original design.

See FCC Order, §1.40001(b)(7)(i)-(v).

VII. COMPLIANCE WITH THE CAMBRIDGE ZONING ORDINANCE

In the alternative, AT&T respectfully requests the Board to grant a special permit for the proposed modifications to the existing Facility.⁶

A. AT&T complies with the Wireless Communications provisions set forth in Section 4.32(g)(1), and Section 4.40, Footnote 49 of the Ordinance.

AT&T's proposed modifications comply with Section 4.32(g)(1), and Section 4.40, Footnote 49 of the Ordinance as follows:⁷

Section 4.32(g)(1): Section 4.32(g)(1) of the Ordinance allows for the use of a “[t]elephone exchange (including switching, relay, and transmission facilities serving mobile communications systems) and any towers or antennas accessory thereto.” Under the Table of Use Regulations beginning at Section 4.30, AT&T's proposed use of the Facility as a transmission facility serving a mobile communications system is permitted by special permit in the PUD-2 & Residence C-3A zoning district (see the table at Section 4.32(g)(1)).

Section 4.40, Footnote 49: Section 4.32(g)(1) includes a reference to Section 4.40, Footnote 49 which sets out the standards for granting the special permit. AT&T's proposed Facility complies with Footnote 49's standards as noted below:

1. **The Board of Zoning Appeal shall consider “[t]he scope of or limitations imposed by any license secured from any state or federal agency having jurisdiction over such matters.”**

AT&T's Response: AT&T's FCC license is included with this application and the license information included shows that AT&T is authorized to provide wireless service in the area served by the Facility (see Exhibit 2).

2. **The Board of Zoning Appeal shall consider “[t]he extent to which the visual impact of the various elements of the proposed facility is minimized: (1) through the use of existing mechanical elements on the building's roof or other features of the building as support and background, (2) through the use in materials that in texture and color blend with the materials to which the facilities are attached, or (3) other effective means to reduce the visual impact of the facility on the site.”**

⁶ AT&T's request is made, if and to the extent necessary, with all rights reserved. As discussed above, the FCC Order establishes a 60-day period for receipt of all necessary approvals from the time of AT&T's submission, including a building permit, if required. 47 CFR §1.40001(c)(2). If the Request is not acted upon within the 60-day period, it is deemed granted. 47 CFR §1.40001(c)(4). Therefore, AT&T expressly reserves its rights under 47 CFR §1.40001(c)(2) and (4).

⁷ To the extent that Section 4.32(g)(1), and Section 4.40, Footnote 49 of the Ordinance purport to require the submission of information that is beyond the scope permitted by the FCC Order or Spectrum Act, AT&T expressly reserves, and does not waive, its right to assert that such information is not required under the Spectrum Act and the submission of such information shall not constitute a waiver of AT&T's rights pursuant thereto.

AT&T's Response: The design of the overall Facility, including the choice and placement of replacement antennas and associated equipment, behind the existing screen wall or utilizing the existing mounting frame, minimizes the visual impact of the existing Facility. This is because the any visible antennas and equipment are and will continue to be minimally visible and consistent with the elements of the existing Facility. The minimal visual impact of the Facility is shown in the photographs of the existing Facility and the photo simulations that superimpose the proposed modifications to the existing Facility (*see*, Exhibit 5). As those simulations show, all of the proposed changes either are located on the interior portions of the building walls (and thus not visible from public view) or involve an “in-kind” replacement of equipment that results in no visible change to the existing Facility.

- 3. The Board of Zoning Appeal shall consider “[w]here it is proposed to erect such a facility in any residential zoning district, the extent to which there is a demonstrated public need for the facility at the proposed locations, the existence of alternative, functionally suitable sites in nonresidential locations, the character of the prevailing uses in the area, and the prevalence of other existing mechanical systems and equipment carried on or above the roof of nearby structures. The Board of Zoning Appeal shall grant a special permit to erect such a facility in a residential zoning district only upon finding that nonresidential uses predominate in the vicinity of the proposed facility’s location and that the telecommunications facility is not inconsistent with the character that does prevail in the surrounding neighborhood.**

In granting a special permit the Board of Zoning Appeal shall set forth in its decision under which circumstances or procedures, if any, the permittee shall be allowed to replace and upgrade its equipment without the necessity of seeking a new special permit.”

AT&T's Response: As demonstrated by the Radio Frequency Report and the associated coverage maps, AT&T has demonstrated an immediate and compelling need for the proposed modifications to its existing Facility located at the Property in order to provide substantially improved indoor coverage to residents, businesses, students and faculty, and the general public in that area.8 AT&T also seeks to substantially improve its ability to satisfy the ever-increasing need of its customers for data accessibility, navigation and use. This is especially critical in and around the area of Brookline Ave. which also serves as home for numerous businesses. AT&T proposes to satisfy its RF coverage needs in the area by adding to the existing Facility the antennas and equipment necessary to provide the latest LTE wireless communications service technology. By modifying its existing Facility, AT&T obviates the need to construct an entirely new facility within this area of Cambridge in order to meet the wireless network coverage needs of the residents, businesses, and general public in the area.

As provided in Footnote 49, AT&T requests that once permission is received from the City to site the Facility at the Property, the Board permit AT&T to replace and upgrade the equipment at this Facility in the future without further zoning proceedings or a new special permit, provided that such equipment shall meet the eligible facilities request criteria set forth in 47 CFR § 1.40001.

B. AT&T complies with the Special Permit Criteria set forth in Section 10.43 of the Ordinance.

Section 10.43 of the Ordinance specifies the following criteria for issuance of a special permit: “Special permits will normally be granted where specific provisions of this Ordinance are met, except when particulars of the location or use, not generally true of the district or of the uses permitted in it, would cause granting of such permit to be to the detriment of the public interest because:

(a) The requirements of this Ordinance cannot or will not be met, or

AT&T’s Response: As provided above, AT&T’s proposed modifications comply with the requirements set forth in Section 4.32(g), Footnote 49 of the Ordinance, the Spectrum Act and the eligible facilities request criteria set forth in 47 CFR § 1.40001. Granting the special permit would not be a detriment to the public interest and is consistent with the Board’s obligations pursuant to the Spectrum Act and FCC Order.

(b) Traffic generated or patterns of access or egress would cause congestion, hazard, or substantial change in established neighborhood character for the following reasons, or

AT&T’s Response: The proposed modifications to AT&T’s existing Facility will not result in any change to the existing traffic on or near the Property. The Facility will continue to be unmanned and only require infrequent visits by a technician (typically two times per month for routine diagnostics and/or maintenance, except in cases of emergency), there will be no material increase in traffic or disruption to patterns of access or egress that will cause congestion, hazards or a substantial change in the established neighborhood character. AT&T’s maintenance personnel will make use of the existing access roads and parking at the building. Granting the special permit would not be a detriment to the public interest and is consistent with the Board’s obligations pursuant to the Spectrum Act and FCC Order.

(c) The continued operation of or the development of adjacent uses as permitted in the Zoning Ordinance would be adversely affected by the nature of the proposed use, or

AT&T’s Response: As described above and illustrated on the attached photographs and photo simulations (*see* Exhibit 5) the proposed modifications to the existing Facility will result in a *de minimis* change in the appearance of the building and no change to the visual appearance or impact of the existing Facility. As a result, the Facility as a whole either will remain hidden from view or continue to visually blend with existing characteristics of the building and the surrounding neighborhood. Because the proposed installation will not generate any traffic, smoke, dust, heat or glare, discharge noxious substances, nor pollute waterways or groundwater, it will not adversely affect residential uses on neighboring streets. Conversely, the surrounding properties and general public will benefit from the potential to enjoy improved wireless communications services. Granting the special

permit would not be a detriment to the public interest and is consistent with the Board's obligations pursuant to the Spectrum Act and FCC Order.

- (d) Nuisance or hazard would be created to the detriment of the health, safety and/or welfare of the occupant of the proposed use or the citizens of the City, or**

AT&T's Response: Because the proposed modifications to the existing Facility will not cause the Facility to generate any traffic, smoke, dust, heat or glare, discharge noxious substances, nor pollute waterways or groundwater, no nuisance or hazard will be created to the detriment of the health, safety, or welfare of the occupants of the building or the residents of the City of Cambridge. To the contrary, the proposed Facility will benefit the City and promote the safety and welfare of its residents, businesses and drivers by providing reliable state-of-the-art digital wireless voice and data services that will improve the reliability of emergency communications with the police and fire departments by eliminating dropped or blocked calls due to inadequate signal strength or insufficient network capacity to handle call volume, particularly important during emergency situations. The Facility, as modified, will continue to comply with all federal, state and local safety requirements including the standards established by the FCC and Federal Aviation Administration (FAA). (*See Exhibit 8 Maximum Permissible Exposure Study, Theoretical Report*). Granting the special permit would not be a detriment to the public interest and is consistent with the Board's obligations pursuant to the Spectrum Act and FCC Order.

- (e) For other reasons, the proposed installation would impair the integrity of the district or adjoining district or otherwise derogate from the intent or purpose of this Ordinance, or**

AT&T's Response: The purpose of the Ordinance is multifaceted, the relevant aspects of which relating to wireless telecommunications facilities include the lessening of congestion in the streets, conserving health, securing safety from fire, flood, panic and other danger, conserving the value of land and buildings and natural resources, preventing blight and pollution, encouraging the most rational use of land throughout the city, including encouraging appropriate economic development, and protecting residential neighborhoods from incompatible activities.

As noted above, the proposed modifications to the existing Facility directly accord with the purposes of the Ordinance because the modifications will not result in any traffic, smoke, dust, heat or glare, discharge noxious substances, nor pollute waterways or groundwater. As the Facility will improve the ability of residents, businesses, travelers and drivers in the area to access state-of-the-art wireless technology, the City's ability to provide emergency services will be improved, as will the economic development of the City as more people will be able to conduct commerce by virtue of a mobile platform. Because the proposed modifications to the existing Facility will be installed on an existing building that includes the Facility, and the proposed modifications are consistent with the existing concealment elements, the proposed modifications to the existing Facility are in consistent with the building's character and will not affect the value of the building or the natural resources of the City. Because the proposed modifications to the existing Facility are designed to be consistent with the existing concealment elements of the Facility and characteristics of the Property, the visual impact

on the underlying and adjacent zoning districts will be *de minimis*. As a result, the proposed modifications to the existing Facility are consistent with the Ordinance’s purpose to allow for less intrusive wireless telecommunications facilities in all districts (other than Open Space) including the applicable overlay districts, and the underlying PUD-2 & Residence C-3A district. Granting the special permit would not be a detriment to the public interest and is consistent with the Board’s obligations pursuant to the Spectrum Act and FCC Order.

(f) The new use or building construction is inconsistent with the Urban Design Objectives set forth in Section 19.30

AT&T’s Response: As stated in the Section 19.30, the Citywide Urban Design Objectives (“Objectives”) “are intended to provide guidance to property owners and the general public as to the city’s policies with regard to the form and character desirable for new development in the city. It is understood that application of these principles can vary with the context of specific building proposals in ways that, nevertheless, fully respect the policies’ intent. It is intended that proponents of projects, and city staff, the Planning Board and the general public, where public review or approval is required, should be open to creative variations from the detailed provisions presented in this Section as long as the core values expressed are being served. *A project need not meet all the objectives of this Section 19.30 where this Section serves as the basis for issuance of a special permit. Rather the permit granting authority shall find that on balance the objectives of the city are being served.* Nor shall a project subject to special permit review be required to conform to the Required Building and Site Plan Requirements set forth in Section 11.50.” [emphasis added]. For the reasons stated in AT&T’s response to this Section 10.43(f) of the Zoning Ordinance and in its application generally, “on balance, the objectives of the city are being served” by the installation of the proposed modifications at the Property so that granting the special permit would not be a detriment to the public interest and is consistent with the Board’s obligations pursuant to the Spectrum Act and FCC Order.

The following are the Objectives’ headings as appearing in the Ordinance:

19.31: New projects should be responsive to the existing or anticipated pattern of development.

AT&T’s Response: The existing Facility is located on and within the existing building, some of the equipment of which is hidden from view behind the screen wall and within the building, or otherwise obstructed from view, and the remaining equipment utilizes the existing antenna mounting frame and blends with the structures and colors of the building to the extent feasible. The proposed modifications to the existing Facility are consistent with the previously approved design and concealment elements of the existing Facility. Therefore, the proposed modifications are responsive to the existing pattern of development in the Property’s applicable zoning and overlay districts.

19.32: Development should be pedestrian and bicycle-friendly, with a positive relationship to its surroundings.

AT&T’s Response: The existing Facility is located on and within the existing building. The Facility is only accessed by authorized AT&T personnel for routine maintenance one to two times per month and is not accessed by the general public. The proposed modifications to the existing Facility

will not result in any increase in routine visits nor otherwise result in a change in traffic patterns in the vicinity of the Property that would affect pedestrian flow or cyclists' access to the building or surrounding areas within the Property's applicable zoning districts.

19.33 The building and site design should mitigate adverse environmental impacts of a development upon its neighbors. Indicators include⁸

(1) Mechanical equipment that is carefully designed, well organized or visually screened from its surroundings and is acoustically buffered from neighbors. Consideration is given to the size, complexity and appearance of the equipment, its proximity to residential areas, and its impact on the existing streetscape and skyline. The extent to which screening can bring order, lessen negative visual impacts, and enhance the overall appearance of the equipment should be taken into account. More specifically:

(a) Reasonable attempts have been made to avoid exposing rooftop mechanical equipment to public view from city streets. Among the techniques that might be considered is the inclusion of screens or a parapet around the roof of the building to shield low ducts and other equipment on the roof from view.

(b) Treatment of the mechanical equipment (including design and massing of screening devices as well as exposed mechanical elements) that relates well to the overall design, massing, scale and character of the building.

(c) Placement of mechanical equipment at locations on the site other than on the rooftop (such as in the basement), which reduces the bulk of elements located on the roof; however, at-grade locations external to the building should not be viewed as desirable alternatives.

(d) Tall elements, such as chimneys and air exhaust stacks, which are typically carried above screening devices for functioning reasons, are carefully designed as features of the building, thus creating interest on the skyline.

(e) All aspects of the mechanical equipment have been designed with attention to their visual impact on adjacent areas, particularly with regard to residential neighborhoods and views and vistas.

AT&T's Response: As shown in the photo simulations (*see* Exhibit 5), the existing Facility, as proposed to be modified herein, will continue to be visually consistent with the color and texture of the building, the concealment elements of the design of the Facility, and with other existing wireless communications facilities from competing carriers located on the building. As a result, AT&T's Facility is in keeping with the building's existing features without adversely affecting the building's overall design, massing, scale or character.

⁸ Inasmuch as Section 19.33 is most relevant to the Facility, it is stated here in full.

(2) Trash that is handled to avoid impacts (noise, odor, and visual quality) on neighbors, e.g. the use of trash compactors or containment of all trash storage and handling within a building is encouraged.

AT&T's Response: The Facility does not generate trash, therefore this design objective is inapplicable.

(3) Loading docks that are located and designed to minimize impacts (visual and operational) on neighbors.

AT&T's Response: The Facility does not utilize any loading dock, therefore this design objective is inapplicable.

(4) Stormwater Best Management Practices and other measures to minimize runoff and improve water quality are implemented.

AT&T's Response: The existing Facility, and the proposed modifications, are located entirely on and within the existing Building on the Property and have no effect on stormwater runoff, therefore this design objective is inapplicable.

(5) Landscaped areas and required Green Area Open Space, in addition to serving as visual amenities, are employed to reduce the rate and volume of stormwater runoff compared to pre-development conditions.

AT&T's Response: The existing Facility and proposed modifications have no effect any landscaped or Green Area Open Space, therefore this design objective is inapplicable.

(6) The structure is designed and sited to minimize shadow impacts on neighboring lots, especially shadows that would have a significant impact on the use and enjoyment of adjacent open space and shadows that might impact the operation of a Registered Solar Energy System as defined in Section 22.60 of this Zoning Ordinance.

AT&T's Response: The existing Facility and proposed modifications are designed so as not to cause shadows on neighboring lots.

(7) Changes in grade across the lot are designed in ways that minimize the need for structural retaining walls close to property lines.

AT&T's Response: The existing Facility and proposed modifications are located entirely on and within the existing building and have no impact on the grade of the Property, therefore this design objective is inapplicable.

(8) Building scale and wall treatment, including the provision of windows, are sensitive to existing residential uses on adjacent lots.

AT&T's Response: The proposed modifications to the existing Facility will not change the building's scale because antennas and equipment will be mounted behind the existing screen wall or on an existing antenna mounting frame already located on the building (*see* Exhibit 3). The existing Facility and proposed modifications are consistent with characteristics of the existing building design, maintain the existing concealment elements of the Facility and therefore minimize any visual impact from the Facility.

(9) Outdoor lighting is designed to provide minimum lighting and necessary to ensure adequate safety, night vision, and comfort, while minimizing light pollution.

AT&T's Response: The existing Facility does not use any outdoor lighting. The proposed modifications to the Facility do not include any additional lighting of the Facility or building. As a result, this design objective is inapplicable.

(10) The creation of a Tree Protection Plan that identifies important trees on the site, encourages their protection, or provides for adequate replacement of trees lost to development on the site.

AT&T's Response: The existing Facility and proposed modifications are located entirely on and within the existing building and have no effect on any trees on the Property, therefore this design objective is inapplicable.

19.34: Projects should not overburden the City infrastructure services, including neighborhood roads, city water supply system, and sewer system.

AT&T's Response: The existing Facility, including the proposed modifications, is a passive use and will not generate trash, odor, excess noise, or utilize water or wastewater services. As such, it will not burden the City's infrastructure services.

19.35: New construction should reinforce and enhance the complex urban aspects of Cambridge as it has developed historically.

AT&T's Response: The proposed modification of the existing Facility located on and within the existing building, will obviate the need for AT&T to construct an additional Facility to address its wireless network coverage need in this area of Cambridge. The existing Facility and the proposed modifications blend the equipment with the building texture and color, and are consistent with the concealment elements of the Facility's design. As a result, the Facility will reinforce the existing Cambridge landscape as it currently is manifested at the Property.

19.36: Expansion of the inventory of housing in the city is encouraged.

AT&T's Response: The Facility and proposed modifications provide wireless services and will not adversely impact the City's housing inventory.

19.37. Enhancement and expansion of open space amenities in the city should be incorporated into new development in the city.

AT&T's Response: The Facility and proposed modifications are located on and within the existing building. The Facility and proposed modifications will not adversely impact or otherwise reduce open space amenities within the City.

VIII. SUMMARY

For the foregoing reasons AT&T respectfully requests that the Board determine that pursuant to the Spectrum Act and the FCC Order, the Request constitutes an eligible facilities request and therefore AT&T's Request must be approved administratively, including the issuance of a building permit, without the need for further relief from the Board. In the alternative, without waiving its rights, AT&T requests the Board grant the foregoing zoning relief in the form of a Special Permit and such other relief as the Board deems necessary to allow the modification and operation of AT&T's proposed Facility.

Best Regards,

Ryan Lynch
Authorized Agent to New Cingular Wireless PCS, LLC ("AT&T")

cc: Jonathan Elder, Esq.

BZA APPLICATION FORM

SUPPORTING STATEMENT FOR A VARIANCE

EACH OF THE FOLLOWING REQUIREMENTS FOR A VARIANCE MUST BE ESTABLISHED AND SET FORTH IN COMPLETE DETAIL BY THE APPLICANT IN ACCORDANCE WITH MGL 40A, SECTION 10:

A) A Literal enforcement of the provisions of this Ordinance would involve a substantial hardship, financial or otherwise, to the petitioner or appellant for the following reasons:

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

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

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

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

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

BZA APPLICATION FORM

SUPPORTING STATEMENT FOR A SPECIAL PERMIT

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

Granting the Special Permit requested for 330 Mt Auburn St Cambridge, MA 02138 (location) would not be a detriment to the public interest because:

- A)** Requirements of the Ordinance can or will be met for the following reasons:
See attached support statements
- B)** Traffic generated or patterns of access or egress would not cause congestion hazard, or substantial change in established neighborhood character for the following reasons:
See attached support statements
- C)** The continued operation of or the development of adjacent uses as permitted in the Zoning Ordinance would not be adversely affected by the nature of the proposed use for the following reasons:
See attached support statements
- D)** Nuisance or hazard would not be created to the detriment of the health, safety and/or welfare of the occupant of the proposed use or the citizens of the City for the following reasons:
See attached support statements
- E)** For other reasons, the proposed use would not impair the integrity of the district or adjoining district or otherwise derogate from the intent or purpose of this ordinance for the following reasons:
See attached support statements

BZA APPLICATION FORM

DIMENSIONAL INFORMATION

APPLICANT: Ryan Lynch **PRESENT USE/OCCUPANCY:** Wireless
LOCATION: 330 Mt Auburn St Cambridge, MA 02138 **ZONE:** Residence C-1/C-3 Zone
PHONE: _____ **REQUESTED USE/OCCUPANCY:** No change

	<u>EXISTING</u> <u>CONDITIONS</u>	<u>REQUESTED</u> <u>CONDITIONS</u>	<u>ORDINANCE</u> <u>REQUIREMENTS</u> ¹	
<u>TOTAL GROSS FLOOR AREA:</u>	<u>0</u>	<u>0</u>	<u>0</u>	(max.)
<u>LOT AREA:</u>	<u>0</u>	<u>0</u>	<u>0</u>	(min.)
<u>RATIO OF GROSS FLOOR AREA</u> <u>TO LOT AREA:</u> ²	<u>0</u>	<u>0</u>	<u>0</u>	(max.)
<u>LOT AREA FOR EACH DWELLING UNIT:</u>	<u>0</u>	<u>0</u>	<u>0</u>	(min.)
<u>SIZE OF LOT:</u>				
	WIDTH	<u>0</u>	<u>0</u>	(min.)
	DEPTH	<u>0</u>	<u>0</u>	
<u>SETBACKS IN FEET:</u>	FRONT	<u>0</u>	<u>0</u>	(min.)
	REAR	<u>0</u>	<u>0</u>	(min.)
	LEFT SIDE	<u>0</u>	<u>0</u>	(min.)
	RIGHT SIDE	<u>0</u>	<u>0</u>	(min.)
<u>SIZE OF BLDG.:</u>	HEIGHT	<u>0</u>	<u>0</u>	(max.)
	LENGTH	<u>0</u>	<u>0</u>	
	WIDTH	<u>0</u>	<u>0</u>	
<u>RATIO OF USABLE OPEN SPACE</u> <u>TO LOT AREA:</u>	<u>0</u>	<u>0</u>	<u>0</u>	(min.)
<u>NO. OF DWELLING UNITS:</u>	<u>0</u>	<u>0</u>	<u>0</u>	(max.)
<u>NO. OF PARKING SPACES:</u>	<u>0</u>	<u>0</u>	<u>0</u>	(min./max)
<u>NO. OF LOADING AREAS:</u>	<u>0</u>	<u>0</u>	<u>0</u>	(min.)
<u>DISTANCE TO NEAREST BLDG.</u> <u>ON SAME LOT:</u>	<u>0</u>	<u>0</u>	<u>0</u>	(min.)

Describe where applicable, other occupancies on same lot, the size of adjacent buildings on same lot, and type of construction proposed, e.g.; wood frame, concrete, brick, steel, etc.

1. SEE CAMBRIDGE ZONING ORDINANCE ARTICLE 5.000, SECTION 5.30 (DISTRICT OF DIMENSIONAL REGULATIONS).
2. TOTAL GROSS FLOOR AREA (INCLUDING BASEMENT 7'-0" IN HEIGHT AND ATTIC AREAS GREATER THAN 5') DIVIDED BY LOT AREA.
3. OPEN SPACE SHALL NOT INCLUDE PARKING AREAS, WALKWAYS OR DRIVEWAYS AND SHALL HAVE A MINIMUM DIMENSION OF 15'.



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

2018 JUL 25 AM 11:41

OFFICE OF THE CITY CLERK
 CAMBRIDGE, MASSACHUSETTS

BZA APPLICATION FORM

Plan No: BZA-016964-2018

GENERAL INFORMATION

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

Special Permit : v Variance : Appeal :

PETITIONER : New Cingular Wireless PCS, LLC d/b/a AT&T Mobility C/O Ryan Lynch, Smartlink

PETITIONER'S ADDRESS : 85 Rangeway Road, Building 3, Suite 102 North Billerica, MA 01862

LOCATION OF PROPERTY : 330 Mt Auburn St Cambridge, MA 02138

TYPE OF OCCUPANCY : Hospitals ZONING DISTRICT : Residence C-1/C-3 Zone

REASON FOR PETITION :

Other: Wireless Communications Facility upgrade

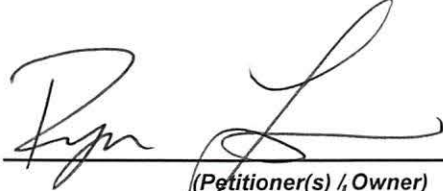
DESCRIPTION OF PETITIONER'S PROPOSAL :

AT&T proposes to make minor modifications to its existing cell site at this location as part of nationwide network upgrades. The proposed scope of work is to replace (3) panel antennas with (3) new panel antennas, and install (9) remote radio units and associated equipment at the site.

SECTIONS OF ZONING ORDINANCE CITED :

Article <u>4.000</u>	Section <u>4.32.G.1 (Telecommunications Facility).</u>
Article <u>4.000</u>	Section <u>4.40 (Footnote 49) (Telecommunications Facility).</u>
Article <u>10.000</u>	Section <u>10.40 (Special Permit).</u>
Article <u>6409</u>	Section <u>Middle Class Tax Relief and Job Creation Act</u>

Original Signature(s) :


 (Petitioner(s) / Owner)

Ryan Lynch / Smartlink LLC / AT&T
 (Print Name)

Address : 85 Rangeway Rd, Bldg 3, Ste 102
N. Billerica, MA 01862

Tel. No. : (781) 392-4040

E-Mail Address : Ryan.Lynch@SmartlinkLLC.com

Date :

7/24/18

330 Mt. Auburn St.



330 Mt. Auburn St.

Petitioner

221-10
CATALANO, ADRIAN & ALEJANDRINA CATALANO
TRUSTEES OF THE CATALANO REALTY TRUST
341 HARVARD STREET
CAMBRIDGE, MA 02138

221-79
MESERVEY, DIANA & SARAH MESERVEY
57 FRANCIS AVE
CAMBRIDGE, MA 02138

SMARTLINK, LLC
C/O RYAN LYNCH, AGENT FOR AT&T
85 RANGEWAY RD. BLDG 3, Suite 102
NORTH BILLERICA, MA 01862

239-21
CITY OF CAMBRIDGE
C/O LOUIE DEPASQUEALE
CITY MANAGER

239-21
CITY OF CAMBRIDGE
C/O NANCY GLOWA
CITY SOLICITOR

239-29
HAO WANG & XIAOYU, OLIVIA WANG
1-3 LONGFELLOW RD., UNIT#2
CAMBRIDGE, MA 02138

239-48
SALEHI-ISFAHANI, DJAVAD &
ANDREA L. KAVANAUGH
321 MT AUBURN ST. UNIT#1
CAMBRIDGE, MA 02138

239-48
NOLLMAN, JORDAN & LARISSA BOUTIQUE
321 MT AUBURN ST. UNIT#2
CAMBRIDGE, MA 02138

239-54
BARRY, PAULA
26 ARLENE AVE
WILMINGTON, MA 01887

240-31
MOSELEY, EVA S.
361 MT AUBURN ST #1
CAMBRIDGE, MA 02138

240-31
HOFFMAN, ELIZABETH L.
C/O MILLER, BENJAMIN W. &
361 MT. AUBURN ST., #2
CAMBRIDGE, MA 02138

240-38
KALAVREZOU, IOLI
341 MT. AUBURN ST.
CAMBRIDGE, MA 02138

240-39
STOHLMAN, THOMAS J. JR. &
KATHARINE M. STOHLMAN
19 CHANNING ST
CAMBRIDGE, MA 02138

241-10
1010 MEMORIAL DRIVE TENANTS
CORPORATION
1010 MEMORIAL DRIVE
CAMBRIDGE, MA 02138

241-12
CAMBRIDGE HOME FOR THE AGED PEOPLE
C/O PRESIDENT
360 MT. AUBURN ST
CAMBRIDGE, MA 02138

DEPARTMENT OF CONSERVATION &
RECREATION
251 CAUSEWAY STREET – SUITE 600
BOSTON, MA 02114-2119

242B-49
FORBES, J. MALCOLM & ARIADNE H. FORBES
3 GERRYS LANDING RD
CAMBRIDGE, MA 02138

242B-52
REIMANN, WILLIAM P. & HELEN S. REIMANN
1 GERRYS LANDING
CAMBRIDGE, MA 02138

242B-53
PACE, RYAN D., TRUSTEE THE THIRTY GERRY'S
LANDING RD REALTY TR
C/O ANDERSON & KREIGER LLP
ONE CANAL PARK, SUITE 200
CAMBRIDGE, MA 02141

242B-56
BUCKINGHAM BROWNE AND NICHOLS SCHOOL
80 GERRYS LANDING ROAD
CAMBRIDGE, MA 02138

242B-998
CAMBRIDGE BOAT CLUB % GAIL CROMWELL
2 GERRY'S LANDING
CAMBRIDGE, MA 02138

239-40
STILES, KATHERINE M.
2 LONGFELLOW RD. UNIT#1
CAMBRIDGE, MA 02138

239-40
SONG, TAEMINN
4 LONGFELLOW RD
CAMBRIDGE, MA 02138

242B-57 / 241-13
COMMONWEALTH OF MASSACHUSETTS
STATE HOUSE
BOSTON, MA 02133

241-14
MT. AUBURN HOSPITAL
C/O NICHOLAS DILESCO, CHIEF OPER OFFICER
300 MT AUBURN ST
CAMBRIDGE, MA 02138

239-19
SAFIZADEH, FEREYDOUN & ARLENE DALLALFAR
18 CHANNING STREET
CAMBRIDGE, MA 02138

240-52
SALTER, MALCOLM & BARBARA SALTER
18 TRAILL ST 1
CAMBRIDGE, MA 02138

240-52
TRAILL BLAZERS, LLC
24 BOGLE ST.
WESTON, MA 02493

240-53
SANBORN, JOSEPH S.,
TRUSTEE THE REX REALTY TRUST
20 TRAILL ST
CAMBRIDGE, MA 02138

239-29
WANG, HAO & XIAOYU WANG
11 EMPIRE CIRCLE
SINGERLANDS, NY 12159



City of Cambridge

MASSACHUSETTS

BOARD OF ZONING APPEAL

831 Mass Avenue, Cambridge, MA.
(617) 349-6100

2018 JUL 25 AM 11:41
OFFICE OF THE CITY CLERK
CAMBRIDGE, MASSACHUSETTS

Board of Zoning Appeal Waiver Form

The Board of Zoning Appeal
831 Mass Avenue
Cambridge, MA 02139

RE: Case # BZA-016964-2018

Address: 330 Mt. Auburn St.

Owner: Mass Auburn Hospital

I, Mr. Adam, Owner, _____
(Print Owner Name) (Print Petitioner Name)

Petitioner or Ryan Lynch, Petitioner's and/or Owner's
(Print Agent/Representative Name)

Agent or Representative, hereby waives the Petitioner's and/or Owner's right to a Decision by the Board of Zoning Appeal on the above referenced Case # BZA-016964-2018 within the time period as required by Section 9 or Section 15 of the Zoning Act of the Commonwealth of Massachusetts, Massachusetts General Laws, Chapter 40A, and/or Section 6409 of the federal Middle Class Tax Relief and Job Creation Act of 2012, codified as 47 U.S.C. §1455(a), or any other relevant state or federal regulation or law, as applicable, until _____, 20_____.

Date: 7/24/18

[Signature]
Signature

Ryan Lynch
Print Name

- Owner
- Petitioner
- Petitioner's and/or Owner's Agent or Representative



CAMBRIDGE HISTORICAL COMMISSION

831 Massachusetts Avenue, 2nd Floor, Cambridge, Massachusetts 02139
Telephone: 617 349 4683 TTY: 617 349 6112
E-mail: histcomm@cambridgema.gov URL: http://www.cambridgema.gov/Historic

Bruce A. Irving, *Chair*; Susannah Barton Tobin, *Vice Chair*; Charles M. Sullivan, *Executive Director*
William G. Barry, Jr., Robert G. Crocker, Joseph V. Ferrara, Chandra Harrington, Jo M. Solet, *Members*
Gavin W. Kleespies, Paula A. Paris, Kyle Sheffield, *Alternates*

Jurisdiction Advice

To the Owner of Property at 330 Mt. Auburn Street

The above-referenced property is subject to the jurisdiction of the Cambridge Historical Commission (CHC) by reason of the status referenced below:

- Old Cambridge Historic District
- Fort Washington Historic District
(M.G.L. Ch. 40C, City Code §2.78.050)
- Avon Hill Neighborhood Conservation District
- Half Crown – Marsh Neighborhood Conservation District
- Harvard Square Conservation District
- Mid Cambridge Neighborhood Conservation District
- Designated Landmark
- Property is being studied for designation: _____
(City Code, Ch. 2.78., Article III, and various City Council Orders)
- Preservation Restriction or Easement (as recorded)
- Structure is fifty years or more old and therefore subject to CHC review of any application for a demolition permit, if one is required by ISD. (City Code, Ch. 2.78, Article II). See the back of this page for definition of demolition.
- No jurisdiction: not a designated historic property and the structure is less than fifty years old.
- No local jurisdiction, but the property is listed on the National Register of Historic Places; CHC staff is available for consultation, upon request.
Staff comments: _____

The Board of Zoning Appeal advises applicants to complete Historical Commission or Neighborhood Conservation District Commission reviews before appearing before the Board.

If a line indicating possible jurisdiction is checked, the owner needs to consult with the staff of the Historical Commission to determine whether a hearing will be required.

CHC staff initials SLB

Date July 16, 2018

Received by Uploaded to Energov

Date July 16, 2018

Relationship to project BZA 16964-2018

cc: Applicant
Inspectional Services Commissioner

Demolition Delay Ordinance and Application Information

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

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

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

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

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

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

July 2003

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

Special Permit Application

330 Mount Auburn St., Cambridge, MA

Map 241 Lot 14-8

Applicant:

New Cingular Wireless PCS, LLC (“AT&T”)

c/o Ryan Lynch, Smartlink

Ryan.Lynch@smartlinkllc.com

(781.392.4040)

July13, 2018

Donna P. Lopez, City Clerk City of Cambridge City Hall 795 Massachusetts Avenue Cambridge, MA 02139	Constantine Alexander, Chair Board of Zoning Appeal City Hall 795 Massachusetts Avenue Cambridge, MA 02139
---	--

Applicant: New Cingular Wireless PCS, LLC (“AT&T”)
 Property Address: 330 Mount Auburn Street, Cambridge, MA 02140
 Assessor’s Map 241, Lot 14-8 (the “Property”)

Re: Application for:
 (i) Eligible Facilities Request pursuant to Section 6409 of the Middle Class Tax Relief and Job Creation Act of 2012, 47 U.S.C. § 1455; or, in the alternative,
 (ii) Special Permit under Cambridge Zoning Ordinance Section 4.32(g)(1) and M.G.L. c. 40A, Section 9; and
 (iii) Any other zoning relief required.
 (All relief if and to the extent necessary, all rights reserved)

Dear Ms. Lopez, Mr. Alexander and Members of the Board of Zoning Appeal:

Pursuant to Section 6409 of the Middle Class Tax Relief and Job Creation Act of 2012 (a/k/a the “Spectrum Act” or “Section 6409”), 47 U.S.C. § 1455, as further implemented by the Federal Communications Commission’s Report and Order *In re Acceleration of Broadband Deployment by Improving Wireless Facilities Siting Policies*, FCC Docket No. 13-238, Report and Order No. 14-153 (October 17, 2014) (the “FCC Order”), New Cingular Wireless PCS, LLC (“AT&T”) hereby submits this Eligible Facilities Request (“Request”); and, in the alternative, applies for a special permit from the City of Cambridge Board of Zoning Appeal (the “Board”) under Section 432(g)(1) of the Cambridge Zoning Ordinance (the “Ordinance”) to modify its existing “Telephone Exchange including Transmission Facilities to serve a Mobile Communication System” (the “Facility”) on and within the existing building located at 330 Mount Auburn Street. (the “Special Permit Application”).²

Under Section 6409, AT&T’s proposed modification of its existing transmission equipment on and within the existing building, previously approved by the Board for use as a wireless communication base station, does “not substantially change the physical dimensions” of the existing building. Therefore, AT&T’s Request must be approved administratively, including the issuance of a building permit, to enable AT&T to make the proposed modifications to its transmission equipment.

² AT&T submits this Request, Special Permit application and supporting materials subject to a full and complete reservation of AT&T’s rights under the Spectrum Act and the FCC Order including without limitation its rights with respect to (i) any submittal requirements or approval criteria that are inconsistent with the prohibitions established by the FCC Order, (ii) any delay beyond the deadlines established in the FCC Order, (iii) the imposition of conditions on any approval that are inconsistent with the FCC Order, and (iv) referral or requirement to a discretionary review process such as a special permit.

In the alternative, as demonstrated in this application letter, the AT&T’s proposed modifications to its existing Facility on the Property located in the PUD-2 & Residence C-3A zoning district satisfy the requirements for the grant of a special permit pursuant to Section 10.43 of the Ordinance.

I. APPLICATION PACKAGE

Enclosed with this application is a check payable to the City of Cambridge in the amount of \$500.00. In addition to the signed original of this letter are copies of the letter and the following materials:

1. The following completed and signed application forms:
 - a. BZA Application Form – General Information;
 - b. BZA Application Form – Ownership Information;
 - c. BZA Application Form – Dimensional Requirements;
 - d. BZA Application Form – Supporting Statement for a Special Permit; and
 - e. BZA Application Form – Check List;
2. AT&T’s relevant FCC License information;
3. The following drawings prepared by Infinigy:

SHEET	TITLE	REV DATE
T1	Title Page	3/16/18
C1	General Notes	3/16/18
C2	Overall Site Plan	3/16/18
C2A	Enlarged Site Plan	3/16/18
C3	Elevation View	3/16/18
C4	Antenna Orientation Plan	3/16/18
C5	Equipment Details	3/16/18
C6	Plumbing Diagram	3/16/18
C7	Grounding Details	3/16/18

4. Manufacturer’s specification sheets for AT&T’s proposed antennas and other featured equipment;
5. Photographs of the existing building and photo simulations of the proposed modifications Facility by Infinigy dated 4/16/2018
6. Radio Frequency Coverage Report, demonstrating the public need for the proposed modifications to the Facility, radio frequency coverage maps showing (a) existing or predicted coverage from neighboring facilities; and (b) coverage with the proposed Facility;

7. Structural Analysis by Infinigy dated 3/1/2018
8. Maximum Permissible Exposure Study, Theoretical Report, by Site Safe, dated April 25, 2018
9. Deed to subject property;
10. Attorney General's letters to the Towns of Mount Washington, Lynnfield and Montague; and
11. Special Permit for the existing Facility granted by the BZA on October 11, 2013

II. PROPOSED FACILITY DESIGN

The proposed modifications consist of the replacement of (3) antennae, (1) per sector. The replacement antennas will be mounted to the building facade, and will have no visible change to the current Facility's design. Nine (9) remote radio-head units (RRUs) will be mounted on the interior of the building walls, out of public view.

The Facility's design is shown in detail in the Drawings attached as Exhibit 3 to this application letter and featured equipment is described in the manufacturers' specification sheets attached as Exhibit 4. The photographs and photo simulations (Exhibit 5) show the existing Facility from various locations in the neighborhood around the Property and as simulated with proposed modifications. A structural analysis for the Facility demonstrates that the building is capable of supporting AT&T's proposed equipment at or near the locations shown on the Drawings (*see* Exhibit 7).

The Facility will continue to bring advanced wireless voice, text and data communications services to the surrounding areas. It will allow residents, professionals, government, businesses and students to communicate locally, nationally and internationally from virtually any location within the coverage area. In the event of an emergency, the improved Facility will allow immediate contact with fire, rescue and other emergency personnel. The improved Facility will thus enhance public health, safety and welfare both in ordinary daily living and in the event of fire, accident, medical emergency, natural disaster or other dangers.

III. BACKGROUND

AT&T is licensed by the Federal Communications Commission to construct and operate a wireless telecommunications network in various markets throughout the country, including the Commonwealth of Massachusetts and the City of Cambridge. A copy of the AT&T's FCC license that covers the area of the proposed Facility is included with this application (*see* Exhibit 2). AT&T is in the process of designing and constructing additional wireless facilities to its existing telecommunications system to serve Massachusetts. One of the key design objectives of its systems is to provide adequate and reliable coverage. Such a system requires a grid of radio transmitting and

receiving links located approximately .5 to 2 miles apart, depending on the location of existing and proposed installations in the surrounding area, the extent of use of AT&T's wireless services within the network, and the existing topography and obstructions. The radio transmitting and receiving facilities operate on a line-of-sight basis, requiring a clear path from the facility to the user on the ground. In urban settings, this dynamic requires the antennas to be located on buildings at heights and in locations where the signal is not obstructed or degraded by other buildings or by topographical features such as hills.

IV. RF COVERAGE DETERMINATION

AT&T has performed a study of radio frequency coverage for the City of Cambridge and from the Property, the results of which are described in the Radio Frequency Report submitted with this application (see Exhibit 6). Without the proposed modifications to its existing Facility, AT&T has a substantial coverage gap in this area of Cambridge. AT&T has determined that the proposed modifications to the existing Facility located on the building at the Property will provide needed coverage to the targeted sections of the City and the immediately surrounding area if AT&T's antennas are located on the building's roof at the height and in the configuration requested. The importance of a facility at this location is underscored by AT&T's interest in enhancing its ability to provide its most up-to-date wireless technology, known as long-term evolution technology ("LTE"), in this area to satisfy its customers' ever-increasing needs for high-speed data services. Radio frequency coverage maps included in the report are provided to pictorially and vividly show the differences in existing and proposed wireless coverage at the various bands authorized for AT&T's service. The maps show dramatic improvements to wireless coverage at all three (3) bands with the inclusion of the proposed Facility, namely, at 700, 1900, and 2100 MHz.

V. THE FEDERAL SPECTRUM ACT AND THE FCC ORDER

As set forth below, the proposed modifications constitute an Eligible Facilities Request pursuant to the federal Spectrum Act,³ as further implemented by the FCC Order.⁴

Under the Spectrum Act, as further clarified by the FCC Order, the streamlined process for this Eligible Facilities Request is limited to non-discretionary review. Specifically, the FCC Order "adopt[s] an objective standard for determining when a proposed modification will 'substantially change the physical dimensions' of an existing tower or base station." *FCC Order*,

³ Pursuant to Section 6409(a)(2) an "eligible facilities request" means any request for modification of an existing wireless tower or base station that involves—

- (A) collocation of new transmission equipment;
- (B) removal of transmission equipment; or
- (C) replacement of transmission equipment.

47 U.S.C. § 1455(a)(2).

⁴ The Order was effective on February 9, 2015, except for § 1.40001, which became effective on April 8, 2015, except for §§ 1.40001(c)(3)(i), 1.40001(c)(3)(iii), 1.140001(c)(4), and 17.4(c)(1)(vii), which became effective on May 18, 2015, after approval by the Office of Management and Budget. The FCC Order makes clear that under the Spectrum Act discretionary review is not required or permitted for an Eligible Facilities Request.

¶ 87. As stated in the FCC Order, Section 6409 “states without equivocation that the reviewing authority ‘may not deny, and shall approve’ any qualifying application. This directive leaves no room for a lengthy and discretionary approach to reviewing an application that meets the statutory criteria.” *FCC Order*, ¶ 116.

In issuing the FCC Order and eliminating discretionary review for eligible facilities requests, the FCC’s goal was to “adopt a test that is defined by specific, objective factors rather than the contextual and entirely subjective standard advocated by the IAC and municipalities.” The FCC intentionally sought to reduce “flexibility” and “open ended context-specific approach” engendered by the discretionary review process:

While we acknowledge that the IAC approach would provide municipalities with maximum flexibility to consider potential effects, we are concerned that it would invite lengthy review processes that conflict with Congress’s intent. Indeed, some municipal commenters anticipate their review of covered requests under a subjective, case-by-case approach could take even longer than their review of collocations absent Section 6409(a). We also anticipate that disputes arising from a subjective approach would tend to require longer and more costly litigation to resolve given the more fact-intensive nature of the IAC’s open-ended and context-specific approach. We find that an objective definition, by contrast, will provide an appropriate balance between municipal flexibility and the rapid deployment of covered facilities. We find further support for this approach in State statutes that have implemented Section 6409(a), all of which establish objective standards.

FCC Order, ¶ 88.

As a result, the FCC Order implementing Section 6409 establishes clear and objective criteria for determining eligibility, limits the types of information that a municipality may require when processing an application for an eligible facilities request, and imposes a “deemed granted” remedy for failure to timely process and eligible facilities request.⁵ The FCC Order also establishes significant limits on the information that can be required to be provided with an eligible facilities request and limits it to only that information “reasonably related to determining whether the request meets the requirements of this section. A State or local government may not require an applicant to submit any other documentation”. 47 CFR 1.40001(c)(1).

Both before and after the FCC Order was issued, the Massachusetts Attorney General’s Office provided clear guidance that an eligible request cannot be subjected to a discretionary special permit process. *See* Attorney General’s letters to (i) Town of Mount Washington, dated June 12, 2014, p. 3 (ii) Town of Lynnfield, dated February 10, 2015, p. 3 (the “AG Lynnfield Letter”) and (iii) Town of Montague, dated February 23, 2015, p. 2 (all attached hereto). As set forth in each letter [t]he Act’s requirement that a local government ‘may not deny, and shall approve, any eligible facilities request’ means that a request for modification to an existing facility that does not substantially change the physical dimensions of the tower or base station must be approved. ***Such qualifying requests also cannot be subject to a discretionary special***

⁵ *See* 47 CFR §§1.40001(c)(1) - (c)(4).

permit.”)(Emphasis added). In providing these opinions, the Attorney General’s Office specifically opined that provisions in zoning ordinances that specifically required a special permit for modifications to existing facilities could not be applied to eligible facilities requests. While approving the Town of Lynnfield’s Zoning Bylaw, the Attorney General stated that “Section 8.7.5.1 requires that PWSF may only be erected upon the grant of a special permit. The Town cannot apply this requirement to eligible facilities requests for modification to existing facilities that qualify for required approval under Section 6409 of the Act.” *AG Lynnfield Letter*, p. 3.

Therefore, as set forth in the FCC Order and Attorney General’s opinion letters, the City cannot impose a requirement that AT&T obtain a special permit, or an amendment to an existing special permit utilizing the same discretionary review process, in connection with its eligible facilities request. To the extent that the City of Cambridge’s Zoning Ordinance and any prior decisions by the Board include provisions seeking to further regulate the modification of wireless communication facilities, federal law overrules those requirements. *See Sprint Spectrum L.P. v. Town of Swansea*, 574 F.Supp.2d 227, 236 (2008) (Board is obligated to consider whether its actions would violate federal law even if a different outcome would be permitted under state law). The standard of review for an application to modify an existing wireless communication facility on an existing tower or base station is governed by the Spectrum Act and the FCC Order which require eligible facilities requests to be permitted “by right.”

In addition, the FCC Order establishes a 60-day period for approval from the time of AT&T’s submission. 47 CFR §1.40001(c)(2). Within the context of the Spectrum Act and FCC Order, approval means all necessary approvals to permit the proposed modifications, including the issuance of a building permit, if required. The FCC found that this 60-day period is appropriate due to “the more restricted scope of review applicable to applications under section 6409(a).” *FCC Order*, ¶ 108. If the Request is not acted upon within the 60-day period, it is deemed granted. 47 CFR §1.40001(c)(4).

As set forth below, the proposed modifications constitute an eligible facilities request. Therefore, AT&T respectfully requests the Board to find that Section 4.32(g)(1) of the Ordinance does not apply to its Request.

VI. THE PROPOSED MODIFICATIONS ARE AN ELIGIBLE FACILITIES REQUEST

Under Section 6409 and the FCC Order, a “base station” means “[a] structure or equipment at a fixed location that enables Commission-licensed or authorized wireless communications between user equipment and a communications network.” 47 C.F.R §1.40001(b)(1). A Base Station includes “any structure other than a tower” that supports or houses “authorized wireless communications between user equipment and a communications network.” 47 C.F.R §1.40001(b)(1). Therefore, the existing building that is currently used for FCC-licensed transmissions for personal wireless services is a “base station” for purposes of Section 6409.

AT&T proposes to modify its existing Facility as described above and depicted on the Plans submitted herewith.

The proposed modifications will not require the installation of any part of the facility on the ground outside of the building.

As a result, AT&T’s proposed modifications involving the removal and replacement of the existing transmission equipment constitute an “eligible facilities request” under Section 6409. The proposed eligible facilities request is not a “substantial modification” under Section 6409 and the FCC Order because it does not:

- (i) Result in an increase in “the height of the structure by more than 10% or more than ten feet, whichever is greater” because the proposed replacement antennas will either be mounted and located below the screen wall or utilize the existing equipment mounting frame that therefore will not exceed 10 feet above the existing building;
- (ii) Protrude from the edge of the building by more than six feet because AT&T’s proposed antennas will not protrude more than six feet from building façade;
- (iii) Involve the installation of more than the standard number of new equipment cabinets for the technology involved, but not to exceed four cabinets, because no new radio communications equipment cabinets will be installed;
- (iv) Require any excavation or deployment outside the current site of the tower or base station because all antennas, equipment cabinets and related equipment will be installed entirely on and within the existing building; or
- (v) Otherwise defeat the existing concealment elements of the tower or base station because the proposed replacement antennas will be located behind the existing screen wall or utilize the existing mounting frame and will continue to integrate the Facility into the existing architecture of the building. Therefore, AT&T’s proposed Facility will remain aesthetically consistent with the exterior finish of the building as well as maintain the concealment elements of the original design.

See FCC Order, §1.40001(b)(7)(i)-(v).

VII. COMPLIANCE WITH THE CAMBRIDGE ZONING ORDINANCE

In the alternative, AT&T respectfully requests the Board to grant a special permit for the proposed modifications to the existing Facility.⁶

A. AT&T complies with the Wireless Communications provisions set forth in Section 4.32(g)(1), and Section 4.40, Footnote 49 of the Ordinance.

AT&T's proposed modifications comply with Section 4.32(g)(1), and Section 4.40, Footnote 49 of the Ordinance as follows:⁷

Section 4.32(g)(1): Section 4.32(g)(1) of the Ordinance allows for the use of a “[t]elephone exchange (including switching, relay, and transmission facilities serving mobile communications systems) and any towers or antennas accessory thereto.” Under the Table of Use Regulations beginning at Section 4.30, AT&T's proposed use of the Facility as a transmission facility serving a mobile communications system is permitted by special permit in the PUD-2 & Residence C-3A zoning district (see the table at Section 4.32(g)(1)).

Section 4.40, Footnote 49: Section 4.32(g)(1) includes a reference to Section 4.40, Footnote 49 which sets out the standards for granting the special permit. AT&T's proposed Facility complies with Footnote 49's standards as noted below:

1. The Board of Zoning Appeal shall consider “[t]he scope of or limitations imposed by any license secured from any state or federal agency having jurisdiction over such matters.”

AT&T's Response: AT&T's FCC license is included with this application and the license information included shows that AT&T is authorized to provide wireless service in the area served by the Facility (see Exhibit 2).

2. The Board of Zoning Appeal shall consider “[t]he extent to which the visual impact of the various elements of the proposed facility is minimized: (1) through the use of existing mechanical elements on the building's roof or other features of the building as support and background, (2) through the use in materials that in texture and color blend with the materials to which the facilities are attached, or (3) other effective means to reduce the visual impact of the facility on the site.”

⁶ AT&T's request is made, if and to the extent necessary, with all rights reserved. As discussed above, the FCC Order establishes a 60-day period for receipt of all necessary approvals from the time of AT&T's submission, including a building permit, if required. 47 CFR §1.40001(c)(2). If the Request is not acted upon within the 60-day period, it is deemed granted. 47 CFR §1.40001(c)(4). Therefore, AT&T expressly reserves its rights under 47 CFR §1.40001(c)(2) and (4).

⁷ To the extent that Section 4.32(g)(1), and Section 4.40, Footnote 49 of the Ordinance purport to require the submission of information that is beyond the scope permitted by the FCC Order or Spectrum Act, AT&T expressly reserves, and does not waive, its right to assert that such information is not required under the Spectrum Act and the submission of such information shall not constitute a waiver of AT&T's rights pursuant thereto.

AT&T's Response: The design of the overall Facility, including the choice and placement of replacement antennas and associated equipment, behind the existing screen wall or utilizing the existing mounting frame, minimizes the visual impact of the existing Facility. This is because the any visible antennas and equipment are and will continue to be minimally visible and consistent with the elements of the existing Facility. The minimal visual impact of the Facility is shown in the photographs of the existing Facility and the photo simulations that superimpose the proposed modifications to the existing Facility (*see*, Exhibit 5). As those simulations show, all of the proposed changes either are located on the interior portions of the building walls (and thus not visible from public view) or involve an “in-kind” replacement of equipment that results in no visible change to the existing Facility.

- 3. The Board of Zoning Appeal shall consider “[w]here it is proposed to erect such a facility in any residential zoning district, the extent to which there is a demonstrated public need for the facility at the proposed locations, the existence of alternative, functionally suitable sites in nonresidential locations, the character of the prevailing uses in the area, and the prevalence of other existing mechanical systems and equipment carried on or above the roof of nearby structures. The Board of Zoning Appeal shall grant a special permit to erect such a facility in a residential zoning district only upon finding that nonresidential uses predominate in the vicinity of the proposed facility’s location and that the telecommunications facility is not inconsistent with the character that does prevail in the surrounding neighborhood.**

In granting a special permit the Board of Zoning Appeal shall set forth in its decision under which circumstances or procedures, if any, the permittee shall be allowed to replace and upgrade its equipment without the necessity of seeking a new special permit.”

AT&T's Response: As demonstrated by the Radio Frequency Report and the associated coverage maps, AT&T has demonstrated an immediate and compelling need for the proposed modifications to its existing Facility located at the Property in order to provide substantially improved indoor coverage to residents, businesses, students and faculty, and the general public in that area.⁸ AT&T also seeks to substantially improve its ability to satisfy the ever-increasing need of its customers for data accessibility, navigation and use. This is especially critical in and around the area of Brookline Ave. which also serves as home for numerous businesses. AT&T proposes to satisfy its RF coverage needs in the area by adding to the existing Facility the antennas and equipment necessary to provide the latest LTE wireless communications service technology. By modifying its existing Facility, AT&T obviates the need to construct an entirely new facility within this area of Cambridge in order to meet the wireless network coverage needs of the residents, businesses, and general public in the area.

As provided in Footnote 49, AT&T requests that once permission is received from the City to site the Facility at the Property, the Board permit AT&T to replace and upgrade the equipment at this Facility in the future without further zoning proceedings or a new special permit, provided that such equipment shall meet the eligible facilities request criteria set forth in 47 CFR § 1.40001.

B. AT&T complies with the Special Permit Criteria set forth in Section 10.43 of the Ordinance.

Section 10.43 of the Ordinance specifies the following criteria for issuance of a special permit: “Special permits will normally be granted where specific provisions of this Ordinance are met, except when particulars of the location or use, not generally true of the district or of the uses permitted in it, would cause granting of such permit to be to the detriment of the public interest because:

(a) The requirements of this Ordinance cannot or will not be met, or

AT&T’s Response: As provided above, AT&T’s proposed modifications comply with the requirements set forth in Section 4.32(g), Footnote 49 of the Ordinance, the Spectrum Act and the eligible facilities request criteria set forth in 47 CFR § 1.40001. Granting the special permit would not be a detriment to the public interest and is consistent with the Board’s obligations pursuant to the Spectrum Act and FCC Order.

(b) Traffic generated or patterns of access or egress would cause congestion, hazard, or substantial change in established neighborhood character for the following reasons, or

AT&T’s Response: The proposed modifications to AT&T’s existing Facility will not result in any change to the existing traffic on or near the Property. The Facility will continue to be unmanned and only require infrequent visits by a technician (typically two times per month for routine diagnostics and/or maintenance, except in cases of emergency), there will be no material increase in traffic or disruption to patterns of access or egress that will cause congestion, hazards or a substantial change in the established neighborhood character. AT&T’s maintenance personnel will make use of the existing access roads and parking at the building. Granting the special permit would not be a detriment to the public interest and is consistent with the Board’s obligations pursuant to the Spectrum Act and FCC Order.

(c) The continued operation of or the development of adjacent uses as permitted in the Zoning Ordinance would be adversely affected by the nature of the proposed use, or

AT&T’s Response: As described above and illustrated on the attached photographs and photo simulations (*see* Exhibit 5) the proposed modifications to the existing Facility will result in a *de minimis* change in the appearance of the building and no change to the visual appearance or impact of the existing Facility. As a result, the Facility as a whole either will remain hidden from view or continue to visually blend with existing characteristics of the building and the surrounding neighborhood. Because the proposed installation will not generate any traffic, smoke, dust, heat or glare, discharge noxious substances, nor pollute waterways or groundwater, it will not adversely affect residential uses on neighboring streets. Conversely, the surrounding properties and general public will benefit from the potential to enjoy improved wireless communications services. Granting the special

permit would not be a detriment to the public interest and is consistent with the Board's obligations pursuant to the Spectrum Act and FCC Order.

(d) Nuisance or hazard would be created to the detriment of the health, safety and/or welfare of the occupant of the proposed use or the citizens of the City, or

AT&T's Response: Because the proposed modifications to the existing Facility will not cause the Facility to generate any traffic, smoke, dust, heat or glare, discharge noxious substances, nor pollute waterways or groundwater, no nuisance or hazard will be created to the detriment of the health, safety, or welfare of the occupants of the building or the residents of the City of Cambridge. To the contrary, the proposed Facility will benefit the City and promote the safety and welfare of its residents, businesses and drivers by providing reliable state-of-the-art digital wireless voice and data services that will improve the reliability of emergency communications with the police and fire departments by eliminating dropped or blocked calls due to inadequate signal strength or insufficient network capacity to handle call volume, particularly important during emergency situations. The Facility, as modified, will continue to comply with all federal, state and local safety requirements including the standards established by the FCC and Federal Aviation Administration (FAA). (*See Exhibit 8 Maximum Permissible Exposure Study, Theoretical Report*). Granting the special permit would not be a detriment to the public interest and is consistent with the Board's obligations pursuant to the Spectrum Act and FCC Order.

(e) For other reasons, the proposed installation would impair the integrity of the district or adjoining district or otherwise derogate from the intent or purpose of this Ordinance, or

AT&T's Response: The purpose of the Ordinance is multifaceted, the relevant aspects of which relating to wireless telecommunications facilities include the lessening of congestion in the streets, conserving health, securing safety from fire, flood, panic and other danger, conserving the value of land and buildings and natural resources, preventing blight and pollution, encouraging the most rational use of land throughout the city, including encouraging appropriate economic development, and protecting residential neighborhoods from incompatible activities.

As noted above, the proposed modifications to the existing Facility directly accord with the purposes of the Ordinance because the modifications will not result in any traffic, smoke, dust, heat or glare, discharge noxious substances, nor pollute waterways or groundwater. As the Facility will improve the ability of residents, businesses, travelers and drivers in the area to access state-of-the-art wireless technology, the City's ability to provide emergency services will be improved, as will the economic development of the City as more people will be able to conduct commerce by virtue of a mobile platform. Because the proposed modifications to the existing Facility will be installed on an existing building that includes the Facility, and the proposed modifications are consistent with the existing concealment elements, the proposed modifications to the existing Facility are in consistent with the building's character and will not affect the value of the building or the natural resources of the City. Because the proposed modifications to the existing Facility are designed to be consistent with the existing concealment elements of the Facility and characteristics of the Property, the visual impact

on the underlying and adjacent zoning districts will be *de minimis*. As a result, the proposed modifications to the existing Facility are consistent with the Ordinance's purpose to allow for less intrusive wireless telecommunications facilities in all districts (other than Open Space) including the applicable overlay districts, and the underlying PUD-2 & Residence C-3A district. Granting the special permit would not be a detriment to the public interest and is consistent with the Board's obligations pursuant to the Spectrum Act and FCC Order.

(f) The new use or building construction is inconsistent with the Urban Design Objectives set forth in Section 19.30

AT&T's Response: As stated in the Section 19.30, the Citywide Urban Design Objectives ("Objectives") "are intended to provide guidance to property owners and the general public as to the city's policies with regard to the form and character desirable for new development in the city. It is understood that application of these principles can vary with the context of specific building proposals in ways that, nevertheless, fully respect the policies' intent. It is intended that proponents of projects, and city staff, the Planning Board and the general public, where public review or approval is required, should be open to creative variations from the detailed provisions presented in this Section as long as the core values expressed are being served. *A project need not meet all the objectives of this Section 19.30 where this Section serves as the basis for issuance of a special permit. Rather the permit granting authority shall find that on balance the objectives of the city are being served.* Nor shall a project subject to special permit review be required to conform to the Required Building and Site Plan Requirements set forth in Section 11.50." [emphasis added]. For the reasons stated in AT&T's response to this Section 10.43(f) of the Zoning Ordinance and in its application generally, "on balance, the objectives of the city are being served" by the installation of the proposed modifications at the Property so that granting the special permit would not be a detriment to the public interest and is consistent with the Board's obligations pursuant to the Spectrum Act and FCC Order.

The following are the Objectives' headings as appearing in the Ordinance:

19.31: New projects should be responsive to the existing or anticipated pattern of development.

AT&T's Response: The existing Facility is located on and within the existing building, some of the equipment of which is hidden from view behind the screen wall and within the building, or otherwise obstructed from view, and the remaining equipment utilizes the existing antenna mounting frame and blends with the structures and colors of the building to the extent feasible. The proposed modifications to the existing Facility are consistent with the previously approved design and concealment elements of the existing Facility. Therefore, the proposed modifications are responsive to the existing pattern of development in the Property's applicable zoning and overlay districts.

19.32: Development should be pedestrian and bicycle-friendly, with a positive relationship to its surroundings.

AT&T's Response: The existing Facility is located on and within the existing building. The Facility is only accessed by authorized AT&T personnel for routine maintenance one to two times per month and is not accessed by the general public. The proposed modifications to the existing Facility

will not result in any increase in routine visits nor otherwise result in a change in traffic patterns in the vicinity of the Property that would affect pedestrian flow or cyclists' access to the building or surrounding areas within the Property's applicable zoning districts.

19.33 The building and site design should mitigate adverse environmental impacts of a development upon its neighbors. Indicators include^[8]

(1) Mechanical equipment that is carefully designed, well organized or visually screened from its surroundings and is acoustically buffered from neighbors. Consideration is given to the size, complexity and appearance of the equipment, its proximity to residential areas, and its impact on the existing streetscape and skyline. The extent to which screening can bring order, lessen negative visual impacts, and enhance the overall appearance of the equipment should be taken into account. More specifically:

(a) Reasonable attempts have been made to avoid exposing rooftop mechanical equipment to public view from city streets. Among the techniques that might be considered is the inclusion of screens or a parapet around the roof of the building to shield low ducts and other equipment on the roof from view.

(b) Treatment of the mechanical equipment (including design and massing of screening devices as well as exposed mechanical elements) that relates well to the overall design, massing, scale and character of the building.

(c) Placement of mechanical equipment at locations on the site other than on the rooftop (such as in the basement), which reduces the bulk of elements located on the roof; however, at-grade locations external to the building should not be viewed as desirable alternatives.

(d) Tall elements, such as chimneys and air exhaust stacks, which are typically carried above screening devices for functioning reasons, are carefully designed as features of the building, thus creating interest on the skyline.

(e) All aspects of the mechanical equipment have been designed with attention to their visual impact on adjacent areas, particularly with regard to residential neighborhoods and views and vistas.

AT&T's Response: As shown in the photo simulations (*see* Exhibit 5), the existing Facility, as proposed to be modified herein, will continue to be visually consistent with the color and texture of the building, the concealment elements of the design of the Facility, and with other existing wireless communications facilities from competing carriers located on the building. As a result, AT&T's Facility is in keeping with the building's existing features without adversely affecting the building's overall design, massing, scale or character.

⁸ Inasmuch as Section 19.33 is most relevant to the Facility, it is stated here in full.

(2) Trash that is handled to avoid impacts (noise, odor, and visual quality) on neighbors, e.g. the use of trash compactors or containment of all trash storage and handling within a building is encouraged.

AT&T's Response: The Facility does not generate trash, therefore this design objective is inapplicable.

(3) Loading docks that are located and designed to minimize impacts (visual and operational) on neighbors.

AT&T's Response: The Facility does not utilize any loading dock, therefore this design objective is inapplicable.

(4) Stormwater Best Management Practices and other measures to minimize runoff and improve water quality are implemented.

AT&T's Response: The existing Facility, and the proposed modifications, are located entirely on and within the existing Building on the Property and have no effect on stormwater runoff, therefore this design objective is inapplicable.

(5) Landscaped areas and required Green Area Open Space, in addition to serving as visual amenities, are employed to reduce the rate and volume of stormwater runoff compared to pre-development conditions.

AT&T's Response: The existing Facility and proposed modifications have no effect any landscaped or Green Area Open Space, therefore this design objective is inapplicable.

(6) The structure is designed and sited to minimize shadow impacts on neighboring lots, especially shadows that would have a significant impact on the use and enjoyment of adjacent open space and shadows that might impact the operation of a Registered Solar Energy System as defined in Section 22.60 of this Zoning Ordinance.

AT&T's Response: The existing Facility and proposed modifications are designed so as not to cause shadows on neighboring lots.

(7) Changes in grade across the lot are designed in ways that minimize the need for structural retaining walls close to property lines.

AT&T's Response: The existing Facility and proposed modifications are located entirely on and within the existing building and have no impact on the grade of the Property, therefore this design objective is inapplicable.

(8) Building scale and wall treatment, including the provision of windows, are sensitive to existing residential uses on adjacent lots.

AT&T's Response: The proposed modifications to the existing Facility will not change the building's scale because antennas and equipment will be mounted behind the existing screen wall or on an existing antenna mounting frame already located on the building (*see* Exhibit 3). The existing Facility and proposed modifications are consistent with characteristics of the existing building design, maintain the existing concealment elements of the Facility and therefore minimize any visual impact from the Facility.

(9) Outdoor lighting is designed to provide minimum lighting and necessary to ensure adequate safety, night vision, and comfort, while minimizing light pollution.

AT&T's Response: The existing Facility does not use any outdoor lighting. The proposed modifications to the Facility do not include any additional lighting of the Facility or building. As a result, this design objective is inapplicable.

(10) The creation of a Tree Protection Plan that identifies important trees on the site, encourages their protection, or provides for adequate replacement of trees lost to development on the site.

AT&T's Response: The existing Facility and proposed modifications are located entirely on and within the existing building and have no effect on any trees on the Property, therefore this design objective is inapplicable.

19.34: Projects should not overburden the City infrastructure services, including neighborhood roads, city water supply system, and sewer system.

AT&T's Response: The existing Facility, including the proposed modifications, is a passive use and will not generate trash, odor, excess noise, or utilize water or wastewater services. As such, it will not burden the City's infrastructure services.

19.35: New construction should reinforce and enhance the complex urban aspects of Cambridge as it has developed historically.

AT&T's Response: The proposed modification of the existing Facility located on and within the existing building, will obviate the need for AT&T to construct an additional Facility to address its wireless network coverage need in this area of Cambridge. The existing Facility and the proposed modifications blend the equipment with the building texture and color, and are consistent with the concealment elements of the Facility's design. As a result, the Facility will reinforce the existing Cambridge landscape as it currently is manifested at the Property.

19.36: Expansion of the inventory of housing in the city is encouraged.

AT&T's Response: The Facility and proposed modifications provide wireless services and will not adversely impact the City's housing inventory.

19.37. Enhancement and expansion of open space amenities in the city should be incorporated into new development in the city.

AT&T's Response: The Facility and proposed modifications are located on and within the existing building. The Facility and proposed modifications will not adversely impact or otherwise reduce open space amenities within the City.

VIII. SUMMARY

For the foregoing reasons AT&T respectfully requests that the Board determine that pursuant to the Spectrum Act and the FCC Order, the Request constitutes an eligible facilities request and therefore AT&T's Request must be approved administratively, including the issuance of a building permit, without the need for further relief from the Board. In the alternative, without waiving its rights, AT&T requests the Board grant the foregoing zoning relief in the form of a Special Permit and such other relief as the Board deems necessary to allow the modification and operation of AT&T's proposed Facility.

Best Regards,

Ryan Lynch
Authorized Agent to New Cingular Wireless PCS, LLC ("AT&T")

cc: Jonathan Elder, Esq.

BZA APPLICATION FORM

CHECK LIST

PROPERTY LOCATION: 330 Mount Auburn Street DATE: 6/25/2018

PETITIONER OR REPRESENTATIVE: New Cingular Wireless, LLC d/b/a AT&T Mobility c/o Ryan Lynch
ADDRESS & PHONE: 85 Rangeway Rd, Bldg 3, Suite 102, N. Billerica, MA 01862. (781) 392-4040

BLOCK: 241 LOT: 14-8

PLEASE CHECK THAT YOU HAVE INCLUDED THE FOLLOWING WITH YOUR APPLICATION. APPLICATIONS WILL NOT BE ACCEPTED FOR PROCESSING & SCHEDULING UNLESS ALL REQUIRED DOCUMENTS ARE PROVIDED.

PLEASE INCLUDE THIS CHECKLIST WITH YOUR APPLICATION. ALL DOCUMENTS ARE TO BE TYPED OR WRITTEN LEGIBLY.

<u>DOCUMENTS</u>	<u>REQUIRED</u>	<u>ENCLOSED</u>
Application Form 3 Forms with Original Signatures	_____	<u>X</u>
Supporting Statements - Scanned & 1 set to Zoning	_____	<u>X</u>
Application Fee (You will receive invoice online)	_____	_____
Assessor's GIS "Block Map" (Available on line or At Engineering Dept. - 147 Hampshire Street)	_____	<u>X</u>
Dimensional Form - Refer to Cambridge Zoning Ordinance - Scanned & 1 set to Zoning (Subject to further review by Zoning Specialist)	_____	_____
Ownership Certificate, Notarized - Scanned & 1 set to Zoning	_____	<u>X</u>
Floor Plans - Scanned & 1 set to Zoning	_____	_____
Elevations - Scanned & 1 set to Zoning	_____	<u>X</u>
Certified Plot Plan - Scanned & 1 set to Zoning (By Registered Land Surveyor)	_____	_____
Photographs of Property - Scanned & 1 set to Zoning	_____	<u>X</u>
Parking Plan (if relevant to your application) Scanned & 1 set to Zoning	_____	_____
<u>FOR SUBDIVISION ALSO INCLUDE:</u> Scanned & 1 set to Zoning	_____	_____
Proposed Deeds	_____	_____
Evidence of Separate Utilities **	_____	_____
Proposed Subdivision Plan	_____	_____

Petitioners are advised to refer to Attachment A (Procedures for applying to the Board of Zoning Appeal) & consult zoning staff for review.
It is advisable for the Petitioner to discuss the petition with the abutters as listed in the Zoning BZA Case file.

* For Special Permits under Art. 4.32.G.1 (Communication Towers and Antennas), include a photo simulation.
** Can be submitted after subdivision has been approved.

BZA APPLICATION FORM - OWNERSHIP INFORMATION

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


I/We Mount Auburn Hospital _____
(OWNER)

Address: 330 Mt. Auburn Street, Cambridge, MA 02138 _____

State that I/We own the property located at 330 Mt. Auburn Street, Cambridge, MA 02138 which is the subject of this zoning application.

The record title of this property is in the name of Mount Auburn Hospital _____

*Pursuant to a deed of duly recorded in the date 12/15/2006, Middlesex South County Registry of Deeds at Book 48678, Page 280; or Middlesex Registry District of Land Court, Certificate No. _____
Book _____ Page _____

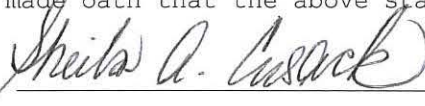


SIGNATURE BY LAND OWNER OR
AUTHORIZED TRUSTEE, OFFICER OR AGENT*
Nicholas T. DiIeso C.O.O.

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

Commonwealth of Massachusetts, County of Middlesex _____

The above name Nicholas T. DiIeso personally appeared before me, this 25th of April, 2018, and made oath that the above statement is true.



Notary

My commission expires 7-6-2018 (Notary Seal).

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

BZA APPLICATION FORM

DIMENSIONAL INFORMATION

APPLICANT: AT&T Mobility c/o Ryan Lynch PRESENT USE/OCCUPANCY: Hospital/Telecom

LOCATION: 330 Mount Auburn Street ZONE: Hospital

PHONE: (781) 392-4040 REQUESTED USE/OCCUPANCY: No Change

	<u>EXISTING</u> <u>CONDITIONS</u>	<u>REQUESTED</u> <u>CONDITIONS</u>	<u>ORDINANCE</u> <u>REQUIREMENTS</u> ¹
TOTAL GROSS FLOOR AREA:	<u>0</u>	<u>0</u>	<u>0</u> (max.)
LOT AREA:	<u>0</u>		<u>0</u> (min.)
RATIO OF GROSS FLOOR AREA TO LOT AREA: ²	<u>0</u>	<u>0</u>	<u>0</u> (max.)
LOT AREA FOR EACH DWELLING UNIT:	<u>0</u>	<u>0</u>	<u>0</u> (min.)
SIZE OF LOT:			
WIDTH	<u>0</u>		<u>0</u> (min.)
DEPTH	<u>0</u>	<u>0</u>	
Setbacks in Feet:			
FRONT	<u>0</u>	<u>0</u>	<u>0</u> (min.)
REAR	<u>0</u>	<u>0</u>	<u>0</u> (min.)
LEFT SIDE	<u>0</u>	<u>0</u>	<u>0</u> (min.)
RIGHT SIDE	<u>0</u>	<u>0</u>	<u>0</u> (min.)
SIZE OF BLDG.:			
HEIGHT	<u>0</u>	<u>0</u>	<u>0</u> (max.)
LENGTH			
WIDTH			
RATIO OF USABLE OPEN SPACE TO LOT AREA: ³)	<u>0</u>	<u>0</u>	<u>0</u> (min.)
NO. OF DWELLING UNITS:	<u>0</u>	<u>0</u>	<u>0</u> (max.)
NO. OF PARKING SPACES:	<u>0</u>	<u>0</u>	<u>0</u> (min./max)
NO. OF LOADING AREAS:	<u>0</u>	<u>0</u>	<u>0</u> (min.)
DISTANCE TO NEAREST BLDG. ON SAME LOT:	<u>0</u>	<u>0</u>	<u>0</u> (min.)

Describe where applicable, other occupancies on same lot, the size of adjacent buildings on same lot, and type of construction proposed, e.g.; wood frame, concrete, brick, steel, etc.

1. SEE CAMBRIDGE ZONING ORDINANCE ARTICLE 5.000, SECTION 5.30 (DISTRICT OF DIMENSIONAL REGULATIONS).
2. TOTAL GROSS FLOOR AREA (INCLUDING BASEMENT 7'-0" IN HEIGHT AND ATTIC AREAS GREATER THAN 5') DIVIDED BY LOT AREA.
3. OPEN SPACE SHALL NOT INCLUDE PARKING AREAS, WALKWAYS OR DRIVEWAYS AND SHALL HAVE A MINIMUM DIMENSION OF 15'.

BZA APPLICATION FORM

SUPPORTING STATEMENT FOR A VARIANCE

EACH OF THE FOLLOWING REQUIREMENTS FOR A VARIANCE MUST BE ESTABLISHED AND SET FORTH IN COMPLETE DETAIL BY THE APPLICANT IN ACCORDANCE WITH MGL 40A, SECTION 10:

A) A Literal enforcement of the provisions of this Ordinance would involve a substantial hardship, financial or otherwise, to the petitioner or appellant for the following reasons:

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

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

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

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

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

BZA APPLICATION FORM

SUPPORTING STATEMENT FOR A SPECIAL PERMIT

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

Granting the Special Permit requested for _____ (location) would not be a detriment to the public interest because:

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

See attached Support Statements.

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

See attached Support Statements.

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

See attached Support Statements.

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

See attached Support Statements.

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

See attached Support Statements.

ULS License

700 MHz Lower Band (Blocks A, B & E) License - WQIZ616 - New Cingular Wireless PCS, LLC

Call Sign	WQIZ616	Radio Service	WY - 700 MHz Lower Band (Blocks A, B & E)
Status	Active	Auth Type	Regular

Rural Service Provider Bidding Credit

Is the Applicant seeking a Rural Service Provider (RSP) bidding credit?

Reserved Spectrum

Reserved Spectrum

Market

Market	BEA003 - Boston-Worcester-Lawrence-Lowell-Brockton, MA-NH-RI-VT	Channel Block	E
Submarket	0	Associated Frequencies (MHz)	000722.00000000-000728.00000000

Dates

Grant	06/26/2008	Expiration	03/07/2021
Effective	06/14/2017	Cancellation	

Buildout Deadlines

1st	03/07/2017	2nd	03/07/2021
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Notification Dates

1st	03/16/2017	2nd	
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Licensee

FRN	0003291192	Type	Limited Liability Company
-----	------------	------	---------------------------

Licensee

New Cingular Wireless PCS, LLC 208 S Akard St., RM 1016 Dallas, TX 75202 ATTN Leslie Wilson	P:(855)699-7073 F:(214)746-6410 E:FCCMW@att.com
--	---

Contact

AT&T Mobility LLC 1120 20th Street, NW - Suite 1000 Washington, DC 20036 ATTN Michael P. Goggin	P:(202)457-2055 F:(202)457-3073 E:michael.p.goggin@att.com
--	--

Ownership and Qualifications

Radio Service Type	Fixed, Mobile
Regulatory Status	Common Carrier, Interconnected No

Non-Common
Carrier

Alien Ownership

The Applicant answered "No" to each of the Alien Ownership questions.

Basic Qualifications

The Applicant answered "No" to each of the Basic Qualification questions.

Tribal Land Bidding Credits

This license did not have tribal land bidding credits.

Demographics

Race

Ethnicity

Gender

REFERENCE COPY

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Federal Communications Commission
Wireless Telecommunications Bureau

RADIO STATION AUTHORIZATION

LICENSEE: NEW CINGULAR WIRELESS PCS, LLC

ATTN: LESLIE WILSON
NEW CINGULAR WIRELESS PCS, LLC
208 S AKARD ST., RM 1016
DALLAS, TX 75202

Call Sign WQIZ616	File Number
Radio Service WY - 700 MHz Lower Band (Blocks A, B & E)	

FCC Registration Number (FRN): 0003291192

Grant Date 06-26-2008	Effective Date 06-14-2017	Expiration Date 03-07-2021	Print Date
Market Number BEA003	Channel Block E	Sub-Market Designator 0	
Market Name Boston-Worcester-Lawrence-Lowe			
1st Build-out Date 03-07-2017	2nd Build-out Date 03-07-2021	3rd Build-out Date	4th Build-out Date

Waivers/Conditions:

If the facilities authorized herein are used to provide broadcast operations, whether exclusively or in combination with other services, the licensee must seek renewal of the license either within eight years from the commencement of the broadcast service or within the term of the license had the broadcast service not been provided, whichever period is shorter in length. See 47 CFR §27.13(b).

Conditions:

Pursuant to §309(h) of the Communications Act of 1934, as amended, 47 U.S.C. §309(h), this license is subject to the following conditions: This license shall not vest in the licensee any right to operate the station nor any right in the use of the frequencies designated in the license beyond the term thereof nor in any other manner than authorized herein. Neither the license nor the right granted thereunder shall be assigned or otherwise transferred in violation of the Communications Act of 1934, as amended. See 47 U.S.C. § 310(d). This license is subject in terms to the right of use or control conferred by §706 of the Communications Act of 1934, as amended. See 47 U.S.C. §606.

This license may not authorize operation throughout the entire geographic area or spectrum identified on the hardcopy version. To view the specific geographic area and spectrum authorized by this license, refer to the Spectrum and Market Area information under the Market Tab of the license record in the Universal Licensing System (ULS). To view the license record, go to the ULS homepage at <http://wireless.fcc.gov/uls/index.htm?job=home> and select "License Search". Follow the instructions on how to search for license information.

ULS License

700 MHz Lower Band (Blocks A, B & E) License - WQJU427 - AT&T Mobility Spectrum LLC

Call Sign	WQJU427	Radio Service	WY - 700 MHz Lower Band (Blocks A, B & E)
Status	Active	Auth Type	Regular

Rural Service Provider Bidding Credit

Is the Applicant seeking a Rural Service Provider (RSP) bidding credit?

Reserved Spectrum

Reserved Spectrum

Market

Market	CMA006 - Boston-Lowell-Brockton-Lawrence-Haverhill, MA-NH	Channel Block	B
Submarket	0	Associated Frequencies (MHz)	000704.00000000-000710.00000000-000734.00000000-000740.00000000

Dates

Grant	01/06/2009	Expiration	06/13/2019
Effective	06/08/2017	Cancellation	

Buildout Deadlines

1st	12/13/2016	2nd	06/13/2019
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Notification Dates

1st	10/30/2012	2nd	10/30/2012
-----	------------	-----	------------

Licensee

FRN	0014980726	Type	Limited Liability Company
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Licensee

AT&T Mobility Spectrum LLC 208 S Akard St., RM 1016 Dallas, TX 75202 ATTN Leslie Wilson	P:(855)699-7073 F:(214)746-6410 E:FCCMW@att.com
--	---

Contact

AT&T Mobility LLC Michael P Goggin 1120 20th Street, NW - Suite 1000 Washington, DC 20036 ATTN Michael P. Goggin	P:(202)457-2055 F:(202)457-3073 E:michael.p.goggin@att.com
--	--

Ownership and Qualifications

Radio Service Type Mobile

Regulatory Status Common Carrier Interconnected Yes

Alien Ownership

The Applicant answered "No" to each of the Alien Ownership questions.

Basic Qualifications

The Applicant answered "No" to each of the Basic Qualification questions.

Tribal Land Bidding Credits

This license did not have tribal land bidding credits.

Demographics

Race

Ethnicity

Gender

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Federal Communications Commission
Wireless Telecommunications Bureau

RADIO STATION AUTHORIZATION

LICENSEE: AT&T MOBILITY SPECTRUM LLC

ATTN: LESLIE WILSON
AT&T MOBILITY SPECTRUM LLC
208 S AKARD ST., RM 1016
DALLAS, TX 75202

Call Sign WQJU427	File Number
Radio Service WY - 700 MHz Lower Band (Blocks A, B & E)	

FCC Registration Number (FRN): 0014980726

Grant Date 01-06-2009	Effective Date 06-08-2017	Expiration Date 06-13-2019	Print Date
Market Number CMA006	Channel Block B	Sub-Market Designator 0	
Market Name Boston-Lowell-Brockton-Lawrenc			
1st Build-out Date 12-13-2016	2nd Build-out Date 06-13-2019	3rd Build-out Date	4th Build-out Date

Waivers/Conditions:

If the facilities authorized herein are used to provide broadcast operations, whether exclusively or in combination with other services, the licensee must seek renewal of the license either within eight years from the commencement of the broadcast service or within the term of the license had the broadcast service not been provided, whichever period is shorter in length. See 47 CFR §27.13(b).

This license is subject to compliance with the conditions set forth in the Commission's Order of Modification, WT Docket No. 12-69, DA 14-43, released January 16, 2014.

Conditions:

Pursuant to §309(h) of the Communications Act of 1934, as amended, 47 U.S.C. §309(h), this license is subject to the following conditions: This license shall not vest in the licensee any right to operate the station nor any right in the use of the frequencies designated in the license beyond the term thereof nor in any other manner than authorized herein. Neither the license nor the right granted thereunder shall be assigned or otherwise transferred in violation of the Communications Act of 1934, as amended. See 47 U.S.C. § 310(d). This license is subject in terms to the right of use or control conferred by §706 of the Communications Act of 1934, as amended. See 47 U.S.C. §606.

This license may not authorize operation throughout the entire geographic area or spectrum identified on the hardcopy version. To view the specific geographic area and spectrum authorized by this license, refer to the Spectrum and Market Area information under the Market Tab of the license record in the Universal Licensing System (ULS). To view the license record, go to the ULS homepage at <http://wireless.fcc.gov/uls/index.htm?job=home> and select "License Search". Follow the instructions on how to search for license information.

ULS License

700 MHz Lower Band (Blocks C, D) License - WPWU950 - AT&T Mobility Spectrum LLC

Call Sign	WPWU950	Radio Service	WZ - 700 MHz Lower Band (Blocks C, D)
Status	Active	Auth Type	Regular

Rural Service Provider Bidding Credit

Is the Applicant seeking a Rural Service Provider (RSP) bidding credit?

Reserved Spectrum

Reserved Spectrum

Market

Market	CMA006 - Boston-Lowell-Brockton-Lawrence-Haverhill, MA-NH	Channel Block	C
Submarket	0	Associated Frequencies (MHz)	000710.00000000-000716.00000000-000740.00000000-000746.00000000

Dates

Grant	01/24/2003	Expiration	06/13/2019
Effective	06/08/2017	Cancellation	

Buildout Deadlines

1st	06/13/2019	2nd	
-----	------------	-----	--

Notification Dates

1st		2nd	
-----	--	-----	--

Licensee

FRN	0014980726	Type	Limited Liability Company
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Licensee

AT&T Mobility Spectrum LLC 208 S Akard St., RM 1016 Dallas, TX 75202 ATTN Leslie Wilson	P:(855)699-7073 F:(214)746-6410 E:FCCMW@att.com
--	---

Contact

AT&T Mobility LLC Michael P Goggin 1120 20th Street, NW - Suite 1000 Washington, DC 20036 ATTN Michael P. Goggin	P:(202)457-2055 F:(202)457-3073 E:michael.p.goggin@att.com
--	--

Ownership and Qualifications

Radio Service Type Fixed, Mobile, Radio Location

Regulatory Status	Common Carrier, Non-Common Carrier, Private Comm	Interconnected	Yes
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Alien Ownership

The Applicant answered "No" to each of the Alien Ownership questions.

Basic Qualifications

The Applicant answered "No" to each of the Basic Qualification questions.

Tribal Land Bidding Credits

This license did not have tribal land bidding credits.

Demographics

Race

Ethnicity

Gender

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Federal Communications Commission
Wireless Telecommunications Bureau

RADIO STATION AUTHORIZATION

LICENSEE: AT&T MOBILITY SPECTRUM LLC

ATTN: LESLIE WILSON
AT&T MOBILITY SPECTRUM LLC
208 S AKARD ST., RM 1016
DALLAS, TX 75202

Call Sign WPWU950	File Number
Radio Service WZ - 700 MHz Lower Band (Blocks C, D)	

FCC Registration Number (FRN): 0014980726

Grant Date 01-24-2003	Effective Date 06-08-2017	Expiration Date 06-13-2019	Print Date
Market Number CMA006	Channel Block C	Sub-Market Designator 0	
Market Name Boston-Lowell-Brockton-Lawrenc			
1st Build-out Date 06-13-2019	2nd Build-out Date	3rd Build-out Date	4th Build-out Date

Waivers/Conditions:

If the facilities authorized herein are used to provide broadcast operations, whether exclusively or in combination with other services, the licensee must seek renewal of the license either within eight years from the commencement of the broadcast service or within the term of the license had the broadcast service not been provided, whichever period is shorter in length. See 47 CFR §27.13(b).

Operation of the facilities authorized herein, are subject to the condition that harmful interference may not be caused to, but must be accepted from UHF TV transmitters in Canada and Mexico as identified in existing and any future agreements with those countries.

Conditions:

Pursuant to §309(h) of the Communications Act of 1934, as amended, 47 U.S.C. §309(h), this license is subject to the following conditions: This license shall not vest in the licensee any right to operate the station nor any right in the use of the frequencies designated in the license beyond the term thereof nor in any other manner than authorized herein. Neither the license nor the right granted thereunder shall be assigned or otherwise transferred in violation of the Communications Act of 1934, as amended. See 47 U.S.C. § 310(d). This license is subject in terms to the right of use or control conferred by §706 of the Communications Act of 1934, as amended. See 47 U.S.C. §606.

This license may not authorize operation throughout the entire geographic area or spectrum identified on the hardcopy version. To view the specific geographic area and spectrum authorized by this license, refer to the Spectrum and Market Area information under the Market Tab of the license record in the Universal Licensing System (ULS). To view the license record, go to the ULS homepage at <http://wireless.fcc.gov/uls/index.htm?job=home> and select "License Search". Follow the instructions on how to search for license information.

Licensee Name: AT&T MOBILITY SPECTRUM LLC

Call Sign: WPWU950

File Number:

Print Date:

This license is subject to compliance with the conditions set forth in the Commission's Order of Modification, WT Docket No. 12-69, DA 14-43, released January 16, 2014.

Reference Copy

ULS License

AWS-3 (1695-1710 MHz, 1755-1780 MHz, and 2155-2180 MHz) License - WQVN675 - AT&T Wireless Services 3 LLC

Call Sign	WQVN675	Radio Service	AT - AWS-3 (1695-1710 MHz, 1755-1780 MHz, and 2155-2180 MHz)
Status	Active	Auth Type	Regular

Rural Service Provider Bidding Credit

Is the Applicant seeking a Rural Service Provider (RSP) bidding credit?

Reserved Spectrum

Reserved Spectrum

Market

Market	BEA003 - Boston-Worcester-Lawrence-Lowell-Brockton, MA-NH-RI-VT	Channel Block	J
Submarket	0	Associated Frequencies (MHz)	001770.00000000-001780.00000000-002170.00000000-002180.00000000

Dates

Grant	04/08/2015	Expiration	04/08/2027
Effective	10/21/2017	Cancellation	

Buildout Deadlines

1st	04/08/2021	2nd	04/08/2027
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Notification Dates

1st	2nd
-----	-----

Licensee

FRN	0023910920	Type	Limited Liability Company
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Licensee

AT&T Wireless Services 3 LLC 208 S Akard St., RM 1016 Dallas, TX 75202 ATTN Leslie Wilson	P:(855)699-7073 F:(214)746-6410 E:FCCMW@att.com
--	---

Contact

AT&T MOBILITY LLC Michael P Goggin 1120 20th Street, NW - Suite 1000 Washington, DC 20036 ATTN Michael P. Goggin	P:(202)457-2055 F:(202)457-3073 E:michael.p.goggin@att.com
--	--

Ownership and Qualifications

Radio Service Type	Mobile
Regulatory Status	Common Carrier, Interconnected Yes Non-Common Carrier

Alien Ownership

The Applicant answered "No" to each of the Alien Ownership questions.

Basic Qualifications

The Applicant answered "No" to each of the Basic Qualification questions.

Tribal Land Bidding Credits

This license did not have tribal land bidding credits.

Demographics

Race

Ethnicity

Gender

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Federal Communications Commission
Wireless Telecommunications Bureau

RADIO STATION AUTHORIZATION

LICENSEE: AT&T WIRELESS SERVICES 3 LLC

ATTN: LESLIE WILSON
AT&T WIRELESS SERVICES 3 LLC
208 S AKARD ST., RM 1016
DALLAS, TX 75202

Call Sign WQVN675	File Number
Radio Service AT - AWS-3 (1695-1710 MHz, 1755-1780 MHz, and 2155-2180 MHz)	

FCC Registration Number (FRN): 0023910920

Grant Date 04-08-2015	Effective Date 10-21-2017	Expiration Date 04-08-2027	Print Date
Market Number BEA003	Channel Block J	Sub-Market Designator 0	
Market Name Boston-Worcester-Lawrence-Lowe			
1st Build-out Date 04-08-2021	2nd Build-out Date 04-08-2027	3rd Build-out Date	4th Build-out Date

Waivers/Conditions:

NONE

Conditions:

Pursuant to §309(h) of the Communications Act of 1934, as amended, 47 U.S.C. §309(h), this license is subject to the following conditions: This license shall not vest in the licensee any right to operate the station nor any right in the use of the frequencies designated in the license beyond the term thereof nor in any other manner than authorized herein. Neither the license nor the right granted thereunder shall be assigned or otherwise transferred in violation of the Communications Act of 1934, as amended. See 47 U.S.C. § 310(d). This license is subject in terms to the right of use or control conferred by §706 of the Communications Act of 1934, as amended. See 47 U.S.C. §606.

This license may not authorize operation throughout the entire geographic area or spectrum identified on the hardcopy version. To view the specific geographic area and spectrum authorized by this license, refer to the Spectrum and Market Area information under the Market Tab of the license record in the Universal Licensing System (ULS). To view the license record, go to the ULS homepage at <http://wireless.fcc.gov/uls/index.htm?job=home> and select "License Search". Follow the instructions on how to search for license information.

ULS License

Wireless Communications Service License - KNLB210 - New Cingular Wireless PCS, LLC

PA This license has pending applications: 0007815701

Call Sign	KNLB210	Radio Service	WS - Wireless Communications Service
Status	Active	Auth Type	Regular

Rural Service Provider Bidding Credit

Is the Applicant seeking a Rural Service Provider (RSP) bidding credit?

Reserved Spectrum

Reserved Spectrum

Market

Market	MEA001 - Boston	Channel Block	A
Submarket	0	Associated Frequencies (MHz)	002305.00000000-002310.00000000-002350.00000000-002355.00000000

Dates

Grant	09/27/2010	Expiration	07/21/2017
Effective	07/21/2017	Cancellation	

Buildout Deadlines

1st	03/13/2017	2nd	09/13/2019
-----	------------	-----	------------

Notification Dates

1st	03/03/2017	2nd	
-----	------------	-----	--

Licensee

FRN	0003291192	Type	Limited Liability Company
-----	------------	------	---------------------------

Licensee

New Cingular Wireless PCS, LLC 208 S. Akard St., RM 1016 Dallas, TX 75202 ATTN Leslie A. Wilson	P:(855)699-7073 F:(214)746-6410 E:FCCMW@att.com
--	---

Contact

AT&T Mobility LLC 1120 20th Street, NW - Suite 1000 Washington, DC 20036 ATTN Michael P. Goggin	P:(202)457-2055 F:(202)457-3073 E:michael.p.goggin@att.com
--	--

Ownership and Qualifications

Radio Service Type

Regulatory Status Interconnected

Alien Ownership

The Applicant answered "No" to each of the Alien Ownership questions.

Basic Qualifications

The Applicant answered "No" to each of the Basic Qualification questions.

Tribal Land Bidding Credits

This license did not have tribal land bidding credits.

Demographics

Race

Ethnicity

Gender

REFERENCE COPY

This is not an official FCC license. It is a record of public information contained in the FCC's licensing database on the date that this reference copy was generated. In cases where FCC rules require the presentation, posting, or display of an FCC license, this document may not be used in place of an official FCC license.



Federal Communications Commission
Wireless Telecommunications Bureau

RADIO STATION AUTHORIZATION

LICENSEE: NEW CINGULAR WIRELESS PCS, LLC

ATTN: LESLIE A. WILSON
NEW CINGULAR WIRELESS PCS, LLC
208 S. AKARD ST., RM 1016
DALLAS, TX 75202

Call Sign KNLB210	File Number
Radio Service WS - Wireless Communications Service	

FCC Registration Number (FRN): 0003291192

Grant Date 09-27-2010	Effective Date 07-21-2017	Expiration Date 07-21-2017	Print Date
Market Number MEA001	Channel Block A	Sub-Market Designator 0	
Market Name Boston			
1st Build-out Date 03-13-2017	2nd Build-out Date 09-13-2019	3rd Build-out Date	4th Build-out Date

Waivers/Conditions:

License renewal granted on a conditional basis, subject to the outcome of FCC proceeding WT Docket No. 10-112 (see FCC 10-86, paras. 113 and 126).

This authorization is subject to the condition that, in the event that systems using the same frequencies as granted herein are authorized in an adjacent foreign territory (Canada/Mexico), future coordination of any base station transmitters shall be required to eliminate any harmful interference to operations in the adjacent foreign territory and to ensure continuance of equal access to the frequencies by both countries.

Conditions:

Pursuant to §309(h) of the Communications Act of 1934, as amended, 47 U.S.C. §309(h), this license is subject to the following conditions: This license shall not vest in the licensee any right to operate the station nor any right in the use of the frequencies designated in the license beyond the term thereof nor in any other manner than authorized herein. Neither the license nor the right granted thereunder shall be assigned or otherwise transferred in violation of the Communications Act of 1934, as amended. See 47 U.S.C. § 310(d). This license is subject in terms to the right of use or control conferred by §706 of the Communications Act of 1934, as amended. See 47 U.S.C. §606.

This license may not authorize operation throughout the entire geographic area or spectrum identified on the hardcopy version. To view the specific geographic area and spectrum authorized by this license, refer to the Spectrum and Market Area information under the Market Tab of the license record in the Universal Licensing System (ULS). To view the license record, go to the ULS homepage at <http://wireless.fcc.gov/uls/index.htm?job=home> and select "License Search". Follow the instructions on how to search for license information.

Licensee Name: NEW CINGULAR WIRELESS PCS, LLC

Call Sign: KNLB210

File Number:

Print Date:

This authorization is subject to the condition that the remaining balance of the winning bid amount will be paid in accordance with Part 1 of the Commission's rules, 47 C.F.R. Part 1.

License renewal is granted on a conditional basis, subject to the outcome of FCC proceeding WT Docket No. 10-112 (see FCC 10-86, paras. 113 and 126).

Pursuant to WCS Order on Reconsideration, FCC 12-130, in order to obtain a renewal expectancy at the 7/21/17 renewal deadline, a licensee must, for each license area, certify that it has maintained, or exceeded, the level of coverage demonstrated for that license area at the 3/13/2017 construction deadline.

ULS License

Wireless Communications Service License - KNLB200 - New Cingular Wireless PCS, LLC

PA This license has pending applications: 0007815643

Call Sign	KNLB200	Radio Service	WS - Wireless Communications Service
Status	Active	Auth Type	Regular

Rural Service Provider Bidding Credit

Is the Applicant seeking a Rural Service Provider (RSP) bidding credit?

Reserved Spectrum

Reserved Spectrum

Market

Market	MEA001 - Boston	Channel Block	B
Submarket	0	Associated Frequencies (MHz)	002310.00000000-002315.00000000-002355.00000000-002360.00000000

Dates

Grant	09/27/2010	Expiration	07/21/2017
Effective	07/21/2017	Cancellation	

Buildout Deadlines

1st	03/13/2017	2nd	09/13/2019
-----	------------	-----	------------

Notification Dates

1st	03/03/2017	2nd	
-----	------------	-----	--

Licensee

FRN	0003291192	Type	Limited Liability Company
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Licensee

New Cingular Wireless PCS, LLC 208 S. Akard St., RM 1016 Dallas, TX 75202 ATTN Leslie A. Wilson	P:(855)699-7073 F:(214)746-6410 E:FCCMW@att.com
--	---

Contact

AT&T Mobility LLC 1120 20th Street, NW - Suite 1000 Washington, DC 20036 ATTN Michael P. Goggin	P:(202)457-2055 F:(202)457-3073 E:michael.p.goggin@att.com
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Ownership and Qualifications

Radio Service Type Fixed, Mobile

Regulatory Status	Common Carrier, Non-Common Carrier	Interconnected	Yes
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Alien Ownership

The Applicant answered "No" to each of the Alien Ownership questions.

Basic Qualifications

The Applicant answered "No" to each of the Basic Qualification questions.

Tribal Land Bidding Credits

This license did not have tribal land bidding credits.

Demographics

Race

Ethnicity

Gender

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Federal Communications Commission
Wireless Telecommunications Bureau

RADIO STATION AUTHORIZATION

LICENSEE: NEW CINGULAR WIRELESS PCS, LLC

ATTN: LESLIE A. WILSON
NEW CINGULAR WIRELESS PCS, LLC
208 S. AKARD ST., RM 1016
DALLAS, TX 75202

Call Sign KNLB200	File Number
Radio Service WS - Wireless Communications Service	

FCC Registration Number (FRN): 0003291192

Grant Date 09-27-2010	Effective Date 07-21-2017	Expiration Date 07-21-2017	Print Date
Market Number MEA001	Channel Block B	Sub-Market Designator 0	
Market Name Boston			
1st Build-out Date 03-13-2017	2nd Build-out Date 09-13-2019	3rd Build-out Date	4th Build-out Date

Waivers/Conditions:

License renewal granted on a conditional basis, subject to the outcome of FCC proceeding WT Docket No. 10-112 (see FCC 10-86, paras. 113 and 126).

This authorization is subject to the condition that, in the event that systems using the same frequencies as granted herein are authorized in an adjacent foreign territory (Canada/Mexico), future coordination of any base station transmitters shall be required to eliminate any harmful interference to operations in the adjacent foreign territory and to ensure continuance of equal access to the frequencies by both countries.

Conditions:

Pursuant to §309(h) of the Communications Act of 1934, as amended, 47 U.S.C. §309(h), this license is subject to the following conditions: This license shall not vest in the licensee any right to operate the station nor any right in the use of the frequencies designated in the license beyond the term thereof nor in any other manner than authorized herein. Neither the license nor the right granted thereunder shall be assigned or otherwise transferred in violation of the Communications Act of 1934, as amended. See 47 U.S.C. § 310(d). This license is subject in terms to the right of use or control conferred by §706 of the Communications Act of 1934, as amended. See 47 U.S.C. §606.

This license may not authorize operation throughout the entire geographic area or spectrum identified on the hardcopy version. To view the specific geographic area and spectrum authorized by this license, refer to the Spectrum and Market Area information under the Market Tab of the license record in the Universal Licensing System (ULS). To view the license record, go to the ULS homepage at <http://wireless.fcc.gov/uls/index.htm?job=home> and select "License Search". Follow the instructions on how to search for license information.

Licensee Name: NEW CINGULAR WIRELESS PCS, LLC

Call Sign: KNLB200

File Number:

Print Date:

This authorization is subject to the condition that the remaining balance of the winning bid amount will be paid in accordance with Part 1 of the Commission's rules, 47 C.F.R. Part 1.

Spectrum Lease associated with this license. See Spectrum Leasing Arrangement Letter dated 04/01/2005 and File No. 0001999501.

License renewal is granted on a conditional basis, subject to the outcome of FCC proceeding WT Docket No. 10-112 (see FCC 10-86, paras. 113 and 126).

Pursuant to WCS Order on Reconsideration, FCC 12-130, in order to obtain a renewal expectancy at the 7/21/17 renewal deadline, a licensee must, for each license area, certify that it has maintained, or exceeded, the level of coverage demonstrated for that license area at the 3/13/2017 construction deadline.

ULS License

Wireless Communications Service License - WPQL634 - New Cingular Wireless Services, Inc.

PA This license has pending applications: 0007789910

Call Sign	WPQL634	Radio Service	WS - Wireless Communications Service
Status	Active	Auth Type	Regular

Rural Service Provider Bidding Credit

Is the Applicant seeking a Rural Service Provider (RSP) bidding credit?

Reserved Spectrum

Reserved Spectrum

Market

Market	REA001 - Northeast	Channel Block	C
Submarket	7	Associated Frequencies (MHz)	002315.00000000-002320.00000000

Dates

Grant	09/27/2010	Expiration	07/21/2017
Effective	07/06/2017	Cancellation	

Buildout Deadlines

1st	2nd	09/13/2021
-----	-----	------------

Notification Dates

1st	2nd
-----	-----

Licensee

FRN	0004122032	Type	Corporation
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Licensee

New Cingular Wireless Services, Inc. 208 S. Akard St., RM 1016 Dallas, TX 75202 ATTN Leslie A. Wilson	P:(855)699-7073 F:(214)746-6410 E:FCCMW@att.com
--	---

Contact

AT&T Mobility LLC 1120 20th Street, NW Washington, DC 20036 ATTN Michael P. Goggin	P:(202)457-2055 F:(202)457-3074 E:michael.p.goggin@cingular.com
---	---

Ownership and Qualifications

Radio Service Type	Fixed, Mobile
Regulatory Status	Common Carrier Interconnected Yes

Alien Ownership

The Applicant answered "No" to each of the Alien Ownership questions.

Basic Qualifications

The Applicant answered "No" to each of the Basic Qualification questions.

Tribal Land Bidding Credits

This license did not have tribal land bidding credits.

Demographics

Race

Ethnicity

Gender

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Federal Communications Commission
Wireless Telecommunications Bureau

RADIO STATION AUTHORIZATION

LICENSEE: NEW CINGULAR WIRELESS SERVICES, INC.

ATTN: LESLIE A. WILSON
NEW CINGULAR WIRELESS SERVICES, INC.
208 S. AKARD ST., RM 1016
DALLAS, TX 75202

Table with Call Sign (WPQL634), File Number, and Radio Service (WS - Wireless Communications Service).

FCC Registration Number (FRN): 0004122032

Table with columns: Grant Date, Effective Date, Expiration Date, Print Date, Market Number, Channel Block, Sub-Market Designator, Market Name, 1st Build-out Date, 2nd Build-out Date, 3rd Build-out Date, 4th Build-out Date.

Waivers/Conditions:

License renewal granted on a conditional basis, subject to the outcome of FCC proceeding WT Docket No. 10-112 (see FCC 10-86, paras. 113 and 126).

This authorization is subject to the condition that, in the event that systems using the same frequencies as granted herein are authorized in an adjacent foreign territory (Canada/Mexico), future coordination of any base station transmitters shall be required to eliminate any harmful interference to operations in the adjacent foreign territory and to ensure continuance of equal access to the frequencies by both countries.

Conditions:

Pursuant to §309(h) of the Communications Act of 1934, as amended, 47 U.S.C. §309(h), this license is subject to the following conditions: This license shall not vest in the licensee any right to operate the station nor any right in the use of the frequencies designated in the license beyond the term thereof nor in any other manner than authorized herein.

This license may not authorize operation throughout the entire geographic area or spectrum identified on the hardcopy version. To view the specific geographic area and spectrum authorized by this license, refer to the Spectrum and Market Area information under the Market Tab of the license record in the Universal Licensing System (ULS).

Licensee Name: NEW CINGULAR WIRELESS SERVICES, INC.

Call Sign: WPQL634

File Number:

Print Date:

This authorization is subject to the condition that the remaining balance of the winning bid amount will be paid in accordance with Part 1 of the Commission's rules, 47 C.F.R. Part 1.

This license is conditioned upon compliance with the provisions of Applications of AT&T Wireless Services, Inc. and Cingular Wireless Corporation For Consent to Transfer Control of Licenses and Authorizations, Memorandum Opinion and Order, FCC 04-255 (rel. Oct. 26, 2004).

Commission approval of this application and the licenses contained therein are subject to the conditions set forth in the Memorandum Opinion and Order, adopted on December 29, 2006 and released on March 26, 2007, and revised in the Order on Reconsideration, adopted and released on March 26, 2007. See AT&T Inc. and BellSouth Corporation Application for Transfer of Control, WC Docket No. 06-74, Memorandum Opinion and Order, FCC 06-189 (rel. Mar. 26, 2007); AT&T Inc. and BellSouth Corporation, WC Docket No. 06-74, Order on Reconsideration, FCC 07-44 (rel. Mar. 26, 2007).

License renewal is granted on a conditional basis, subject to the outcome of FCC proceeding WT Docket No. 10-112 (see FCC 10-86, paras. 113 and 126).

Pursuant to WCS Order on Reconsideration, FCC 12-130, in order to obtain a renewal expectancy at the 7/21/17 renewal deadline, a licensee must, for each license area, certify that it has maintained, or exceeded, the level of coverage demonstrated for that license area at the 3/13/2017 construction deadline.

SHEET INDEX

NO.	DESCRIPTION
T1	TITLE SHEET
C1	GENERAL NOTES
C2	OVERALL SITE PLAN
C2A	ENLARGED SITE PLAN
C3	ELEVATION VIEW
C4	ANTENNA ORIENTATION PLAN
C5	EQUIPMENT DETAILS
C6	PLUMBING DIAGRAM
C7	GROUNDING DETAILS

DRIVING DIRECTIONS

FROM 550 COCHITUATE RD.:

GET ON I-90 EAST/MASSACHUSETTS TURNPIKE. HEAD NORTHEAST TOWARD LEGGATT MCCALL CONN. TURN LEFT ONTO LEGGATT MCCALL CONN. CONTINUE ONTO BURR STREET. TURN LEFT ONTO COCHITUATE ROAD. USE THE RIGHT LANE TO TAKE THE RAMP TO I-90 EAST/MASSPIKE/WEST/SPRINGFIELD/BOSTON. KEEP RIGHT AT THE FORK, FOLLOW SIGNS FOR I-90 EAST/I-95/MASSACHUSETTS TURNPIKE/BOSTON AND MERGE ONTO I-90 EAST/MASSACHUSETTS TURNPIKE. CONTINUE ON I-90 EAST/MASSACHUSETTS TURNPIKE TO BOSTON. TAKE THE EXIT TOWARD MA-2/US-3/ARLINGTON/FRESH POND PKWY FROM SOLDIERS FIELD ROAD. MERGE ONTO I-90 EAST/MASSACHUSETTS TURNPIKE (SIGNS FOR 90 EAST/I-95/BOSTON). USE THE LEFT LANE TO TAKE EXIT 18 TOWARD CAMBRIDGE. USE THE LEFT LANE TO MERGE ONTO CAMBRIDGE STREET. TURN LEFT ONTO SOLDIERS FIELD ROAD. USE ANY LANE TO TAKE THE RAMP TO NEWTON/ARLINGTON. MERGE ONTO SOLDIERS FIELD ROAD. USE THE RIGHT 2 LANES TO TAKE THE EXIT TOWARD MA-2/US-3/ARLINGTON/FRESH POND PKWY. CONTINUE ON ELIOT BRIDGE TO YOUR DESTINATION IN CAMBRIDGE. MERGE ONTO ELIOT BRIDGE. USE ANY LANE TO TURN SLIGHTLY RIGHT TOWARD GERRITS LANDING ROAD. CONTINUE STRAIGHT TO STAY ON GERRYS LANDING. SHARP RIGHT ONTO MT AUBURN STREET. TURN RIGHT. TURN LEFT.

LOCATION MAP



PROJECT
LTE 3C/4C/5C

SITE NAME

CAMBRIDGE MT AUBURN HOSPITAL

CELL SITE ID

MAL02850

FA SITE NUMBER

10546806

PACE ID

MRCTB024923/MRCTB024939/MRCTB025017

SITE ADDRESS

330 MOUNT AUBURN STREET
CAMBRIDGE, MA 02138

STRUCTURE TYPE

ROOFTOP

PROJECT SUMMARY

SITE NAME:	CAMBRIDGE MT AUBURN HOSPITAL	
CELL SITE ID:	MAL02850	
FA SITE #:	10546806	
SITE ADDRESS:	330 MOUNT AUBURN STREET CAMBRIDGE, MA 02138	
COUNTY:	MIDDLESEX	
SITE COORDINATES:		
LATITUDE:	42.3744000° N	(NAD 83)
LONGITUDE:	71.1341940° W	(NAD 83)
ELEVATION:	±32'	(AMSL)
RAD CENTER:	±99'	(AGL)
LANDLORD:	MT. AUBURN HOSPITAL 300 MT. AUBURN STREET CAMBRIDGE, MA 02138	
APPLICANT:	AT&T MOBILITY 550 COCHITUATE RD. FRAMINGHAM, MA 01701	
CLIENT REPRESENTATIVE:	SMARTLINK, LLC 85 RANGEWAY RD., BUILDING 3, SUITE 102 NORTH BILLERICA, MA 01862	
CONTACT:	EDWARD WEISSMAN (917)528-1857	
ENGINEER:	INFINIGY 1033 WATERVLIET SHAKER ROAD ALBANY, NY 12205	
CONTACT:	ALEX WELLER (518) 690-0790	
BUILDING CODE:	MA BUILDING CODE UNIFORM BUILDING CODE BUILDING OFFICIALS & CODE ADMINISTRATORS UNIFORM MECHANICAL CODE UNIFORM PLUMBING CODE LOCAL BUILDING CODE CITY/COUNTY ORDINANCES	
ELECTRICAL CODE:	NATIONAL ELECTRICAL CODE (LATEST EDITION)	

PROJECT TEAM



PROJECT MANAGER



1033 Watervliet Shaker Rd
Albany, NY 12205
Office # (518) 690-0790
Fax # (518) 690-0793

ENGINEER

SCOPE OF WORK (PER LTE RFDS, DATED 2/6/18, V 8.00):

- HANDICAP ACCESS REQUIREMENTS ARE NOT REQUIRED.
 - FACILITY IS UNMANNED AND NOT FOR HUMAN HABITATION.
 - FACILITY HAS NO PLUMBING OR REFRIGERANTS.
 - THIS FACILITY SHALL MEET OR EXCEED ALL FAA AND FCC REGULATORY REQUIREMENTS.
 - ALL NEW MATERIAL SHALL BE FURNISHED AND INSTALLED BY CONTRACTOR UNLESS NOTED OTHERWISE. EQUIPMENT, ANTENNAS/RRU AND CABLES FURNISHED BY OWNER AND INSTALLED BY CONTRACTOR.
- TOWER**
- REMOVE (3) PANEL ANTENNAS
 - ADD (3) PANEL ANTENNAS
 - ADD (3) B14 4478
 - ADD (3) RRUS-32
 - ADD (3) RRUS-32 B66
 - ADD (3) DC6 SQUID WITH (6) DC CABLES
- GROUND**
- REPLACE DUS WITH 5216
 - ADD XMU



1033 Watervliet Shaker Rd
Albany, NY 12205
Office # (518) 690-0790
Fax # (518) 690-0793



1	ISSUED FOR PERMIT	ASW	3/16/18
0	ISSUED FOR REVIEW	BAM	12/01/17
No	Submittal / Revision	App'd	Date
Drawn:	BMW	Date:	12/01/17
Designed:	ASW	Date:	12/01/17
Checked:	AD	Date:	12/01/17
Project Number:	499-006		

Project Title:
CAMBRIDGE MT.
AUBURN HOSPITAL
MAL02850
FA# 10546806
330 MOUNT AUBURN STREET
CAMBRIDGE, MA 02138



Drawing Scale:
AS NOTED
Date:
3/16/18
Drawing Title
CD

TITLE PAGE
Drawing Number
T1

GENERAL NOTES

PART 1 – GENERAL REQUIREMENTS

- 1.1 THE WORK SHALL COMPLY WITH APPLICABLE NATIONAL CODES AND STANDARDS, LATEST EDITION, AND PORTIONS THEREOF, INCLUDED BUT NOT LIMITED TO THE FOLLOWING:
 - A. GR-63-CORE NEBS REQUIREMENTS: PHYSICAL PROTECTION
 - B. GR-78-CORE GENERIC REQUIREMENTS FOR THE PHYSICAL DESIGN AND MANUFACTURE OF TELECOMMUNICATIONS EQUIPMENT.
 - C. NATIONAL FIRE PROTECTION ASSOCIATION CODES AND STANDARDS (NFPA) INCLUDING NFPA 70 (NATIONAL ELECTRICAL CODE – "NEC").
 - D. AND NFPA 101 (LIFE SAFETY CODE).
 - E. AMERICAN SOCIETY FOR TESTING OF MATERIALS (ASTM).
 - F. INSTITUTE OF ELECTRONIC AND ELECTRICAL ENGINEERS (IEEE).
- 1.2 DEFINITIONS:
 - A. WORK: THE SUM OF TASKS AND RESPONSIBILITIES IDENTIFIED IN THE CONTRACT DOCUMENTS.
 - B. COMPANY: AT&T CORPORATION
 - C. ENGINEER: SYNONYMOUS WITH ARCHITECT & ENGINEER AND "A&E", THE DESIGN PROFESSIONAL HAVING PROFESSIONAL RESPONSIBILITY FOR DESIGN OF THE PROJECT.
 - D. CONTRACTOR: CONSTRUCTION CONTRACTOR; CONSTRUCTION VENDOR; INDIVIDUAL OR ENTITY WHO AFTER EXECUTION OF A CONTRACT IS BOUND TO ACCOMPLISH THE WORK.
 - E. THIRD PARTY VENDOR OR AGENCY: A VENDOR OR AGENCY ENGAGED SEPARATELY BY THE COMPANY, A&E, OR CONTRACTOR TO PROVIDE MATERIALS OR TO ACCOMPLISH SPECIFIC TASKS RELATED TO BUT NOT INCLUDED IN THE WORK.
- 1.3 POINT OF CONTACT: COMMUNICATION BETWEEN THE COMPANY AND THE CONTRACTOR SHALL FLOW THROUGH THE SINGLE COMPANY SITE DEVELOPMENT SPECIALIST OR OTHER PROJECT COORDINATOR APPOINTED TO MANAGE THE PROJECT FOR THE COMPANY.
- 1.4 ON-SITE SUPERVISION: THE CONTRACTOR SHALL SUPERVISE AND DIRECT THE WORK AND SHALL BE RESPONSIBLE FOR CONSTRUCTION MEANS, METHODS, TECHNIQUES, SEQUENCES, AND PROCEDURES IN ACCORDANCE WITH THE CONTRACT DOCUMENTS. THE CONTRACTOR SHALL EMPLOY A COMPETENT SUPERINTENDENT WHO SHALL BE IN ATTENDANCE AT THE SITE AT ALL TIMES DURING PERFORMANCE OF THE WORK.
- 1.5 DRAWINGS, SPECIFICATIONS AND DETAILS REQUIRED AT JOBSITE: THE CONSTRUCTION CONTRACTOR SHALL MAINTAIN A FULL SET OF THE CONSTRUCTION DRAWINGS, STANDARD CONSTRUCTION DETAILS FOR WIRELESS SITES, AND THE STANDARD CONSTRUCTION SPECIFICATIONS FOR WIRELESS SITES AT THE JOBSITE FROM MOBILIZATION THROUGH CONSTRUCTION COMPLETION.
 - A. THE JOBSITE DRAWINGS, SPECIFICATIONS AND DETAILS SHALL BE CLEARLY MARKED DAILY IN PENCIL WITH ANY CHANGES IN CONSTRUCTION OVER WHAT IS DEPICTED IN THE DOCUMENTS. AT CONSTRUCTION COMPLETION, THIS JOBSITE MARKUP SET SHALL BE DELIVERED TO THE COMPANY OR COMPANY'S DESIGNATED REPRESENTATIVE TO BE FORWARDED TO THE COMPANY'S A&E VENDOR FOR PRODUCTION OF "AS-BUILT" DRAWINGS.
- 1.6 USE OF JOB SITE: THE CONTRACTOR SHALL CONFINE ALL CONSTRUCTION AND RELATED OPERATIONS INCLUDING STAGING AND STORAGE OF MATERIALS AND EQUIPMENT, PARKING, TEMPORARY FACILITIES, AND WASTE STORAGE TO THE LEASE PARCEL UNLESS OTHERWISE PERMITTED BY THE CONTRACT DOCUMENTS.
- 1.7 NOTICE TO PROCEED:
 - A. NO WORK SHALL COMMENCE PRIOR TO COMPANY'S WRITTEN NOTICE TO PROCEED.
 - B. UPON RECEIVING NOTICE TO PROCEED, CONTRACTOR SHALL FULLY PERFORM ALL WORK NECESSARY TO PROVIDE AT&T WITH AN OPERATIONAL WIRELESS FACILITY.

PART 2 – EXECUTION

- 2.1 TEMPORARY UTILITIES AND FACILITIES: THE CONTRACTOR SHALL BE RESPONSIBLE FOR ALL TEMPORARY UTILITIES AND FACILITIES NECESSARY EXCEPT AS OTHERWISE INDICATED IN THE CONSTRUCTION DOCUMENTS. TEMPORARY UTILITIES AND FACILITIES INCLUDE, POTABLE WATER, HEAT, HVAC, ELECTRICITY, SANITARY FACILITIES, WASTE DISPOSAL FACILITIES, AND TELEPHONE/COMMUNICATION SERVICES. PROVIDE TEMPORARY UTILITIES AND FACILITIES IN ACCORDANCE WITH OSHA AND THE AUTHORITY HAVING JURISDICTION. CONTRACTOR MAY UTILIZE THE COMPANY ELECTRICAL SERVICE IN THE COMPLETION OF THE WORK WHEN IT BECOMES AVAILABLE. USE OF THE LESSORS OR SITE OWNER'S UTILITIES OR FACILITIES IS EXPRESSLY FORBIDDEN EXCEPT AS OTHERWISE ALLOWED IN THE CONTRACT DOCUMENTS.
- 2.2 ACCESS TO WORK: THE CONTRACTOR SHALL PROVIDE ACCESS TO THE JOB SITE FOR AUTHORIZED COMPANY PERSONNEL AND AUTHORIZED REPRESENTATIVES OF THE ARCHITECT/ENGINEER DURING ALL PHASES OF THE WORK.
- 2.3 TESTING: REQUIREMENTS FOR TESTING BY THIS CONTRACTOR SHALL BE AS INDICATED HEREWITH, ON THE CONSTRUCTION DRAWINGS, AND IN THE INDIVIDUAL SECTIONS OF THESE SPECIFICATIONS. SHOULD COMPANY CHOOSE TO ENGAGE ANY THIRD-PARTY TO CONDUCT ADDITIONAL TESTING, THE CONTRACTOR SHALL COOPERATE WITH AND PROVIDE A WORK AREA FOR COMPANY'S TEST AGENCY.

- 2.4 COMPANY FURNISHED MATERIAL AND EQUIPMENT: ALL HANDLING, STORAGE AND INSTALLATION OF COMPANY FURNISHED MATERIAL AND EQUIPMENT SHALL BE IN ACCORDANCE WITH THE REQUIREMENTS OF THE CONTRACT DOCUMENTS AND WITH THE MANUFACTURER'S INSTRUCTIONS AND RECOMMENDATIONS.
 - A. CONTRACTOR SHALL PROCURE ALL OTHER REQUIRED WORK RELATED MATERIALS NOT PROVIDED BY AT&T TO SUCCESSFULLY CONSTRUCT A WIRELESS FACILITY.
- 2.5 DIMENSIONS: VERIFY DIMENSIONS INDICATED ON DRAWINGS WITH FIELD DIMENSIONS BEFORE FABRICATION OR ORDERING OF MATERIALS. DO NOT SCALE DRAWINGS.
- 2.6 EXISTING CONDITIONS: NOTIFY THE COMPANY REPRESENTATIVE OF EXISTING CONDITIONS DIFFERING FROM THOSE INDICATED ON THE DRAWINGS. DO NOT REMOVE OR ALTER STRUCTURAL COMPONENTS WITHOUT PRIOR WRITTEN APPROVAL FROM THE ARCHITECT AND ENGINEER.

PART 3 – RECEIPT OF MATERIAL & EQUIPMENT

- 3.1 RECEIPT OF MATERIAL AND EQUIPMENT: CONTRACTOR IS RESPONSIBLE FOR AT&T PROVIDED MATERIAL AND EQUIPMENT AND UPON RECEIPT SHALL:
 - A. ACCEPT DELIVERIES AS SHIPPED AND TAKE RECEIPT.
 - B. VERIFY COMPLETENESS AND CONDITION OF ALL DELIVERIES.
 - C. TAKE RESPONSIBILITY FOR EQUIPMENT AND PROVIDE INSURANCE PROTECTION AS REQUIRED IN AGREEMENT.
 - D. RECORD ANY DEFECTS OR DAMAGES AND WITHIN TWENTY-FOUR HOURS AFTER RECEIPT, REPORT TO AT&T OR ITS DESIGNATED PROJECT REPRESENTATIVE OF SUCH.
 - E. PROVIDE SECURE AND NECESSARY WEATHER PROTECTED WAREHOUSING.
 - F. COORDINATE SAFE AND SECURE TRANSPORTATION OF MATERIAL AND EQUIPMENT, DELIVERING AND OFF-LOADING FROM CONTRACTOR'S WAREHOUSE TO SITE.

PART 4 – GENERAL REQUIREMENTS FOR CONSTRUCTION

- 4.1 CONTRACTOR SHALL KEEP THE SITE FREE FROM ACCUMULATING WASTE MATERIAL, DEBRIS, AND TRASH. AT THE COMPLETION OF THE WORK, CONTRACTOR SHALL REMOVE FROM THE SITE ALL REMAINING RUBBISH, IMPLEMENTS, TEMPORARY FACILITIES, AND SURPLUS MATERIALS.
- 4.2 EQUIPMENT ROOMS SHALL AT ALL TIMES BE MAINTAINED "BROOM CLEAN" AND CLEAR OF DEBRIS.
- 4.3 CONTRACTOR SHALL TAKE ALL REASONABLE PRECAUTIONS TO DISCOVER AND LOCATE ANY HAZARDOUS CONDITION.
 - A. IN THE EVENT CONTRACTOR ENCOUNTERS ANY HAZARDOUS CONDITION WHICH HAS NOT BEEN ABATED OR OTHERWISE MITIGATED, CONTRACTOR AND ALL OTHER PERSONS SHALL IMMEDIATELY STOP WORK IN THE AFFECTED AREA AND NOTIFY COMPANY IN WRITING. THE WORK IN THE AFFECTED AREA SHALL NOT BE RESUMED EXCEPT BY WRITTEN NOTIFICATION BY COMPANY.
 - B. CONTRACTOR AGREES TO USE CARE WHILE ON THE SITE AND SHALL NOT TAKE ANY ACTION THAT WILL OR MAY RESULT IN OR CAUSE THE HAZARDOUS CONDITION TO BE FURTHER RELEASED IN THE ENVIRONMENT, OR TO FURTHER EXPOSE INDIVIDUALS TO THE HAZARD.
- 4.4 CONTRACTOR'S ACTIVITIES SHALL BE RESTRICTED TO THE PROJECT LIMITS. SHOULD AREAS OUTSIDE THE PROJECT LIMITS BE AFFECTED BY CONTRACTOR'S ACTIVITIES, CONTRACTOR SHALL IMMEDIATELY RETURN THEM TO ORIGINAL CONDITION.
- 4.5 CONDUCT TESTING AS REQUIRED HEREIN.

PART 5 – TESTS AND INSPECTIONS

- 5.1 TESTS AND INSPECTIONS:
 - A. THE CONTRACTOR SHALL BE RESPONSIBLE FOR ALL CONSTRUCTION TESTS, INSPECTIONS AND PROJECT DOCUMENTATION.
 - B. CONTRACTOR SHALL COORDINATE TEST AND INSPECTION SCHEDULES WITH COMPANY'S REPRESENTATIVE WHO MUST BE ON SITE TO WITNESS SUCH TESTS AND INSPECTIONS.
 - C. WHEN THE USE OF A THIRD PARTY INDEPENDENT TESTING AGENCY IS REQUIRED, THE AGENCY THAT IS SELECTED MUST PERFORM SUCH WORK ON A REGULAR BASIS IN THE STATE WHERE THE PROJECT IS LOCATED AND HAVE A THOROUGH UNDERSTANDING OF LOCAL AVAILABLE MATERIALS, INCLUDING THE SOIL, ROCK, AND GROUNDWATER CONDITIONS.
 - D. THE THIRD PARTY TESTING AGENCY IS TO BE FAMILIAR WITH THE APPLICABLE REQUIREMENTS FOR THE TESTS TO BE DONE, EQUIPMENT TO BE USED, AND ASSOCIATED HEALTH AND SAFETY ISSUES.
 - E. SITE RESISTANCE TO EARTH TESTING PER EXHIBIT: CELL SITE GROUNDING SYSTEM DESIGN.

- F. ANTENNA AND COAX SWEEP TESTS PER EXHIBIT: ANTENNA TRANSMISSION LINE ACCEPTANCE STANDARDS.
- G. ALL OTHER TESTS REQUIRED BY COMPANY OR JURISDICTION.

PART 6 – TRENCHING AND BACKFILLING

- 6.1 TRENCHING AND BACKFILLING: THE CONTRACTOR SHALL PERFORM ALL EXCAVATION OF EVERY DESCRIPTION AND OF WHATEVER SUBSTANCES ENCOUNTERED, TO THE DEPTHS INDICATED ON THE CONSTRUCTION DRAWINGS OR AS OTHERWISE SPECIFIED.
 - A. PROTECTION OF EXISTING UTILITIES: THE CONTRACTOR SHALL CHECK WITH THE LOCAL UTILITIES AND THE RESPECTIVE UTILITY LOCATOR COMPANIES PRIOR TO STARTING EXCAVATION OPERATIONS IN EACH RESPECTIVE AREA TO ASCERTAIN THE LOCATIONS OF KNOWN UTILITY LINES. THE LOCATIONS, NUMBER AND TYPES OF EXISTING UTILITY LINES DETAILED ON THE CONSTRUCTION DRAWINGS ARE APPROXIMATE AND DO NOT REPRESENT EXACT INFORMATION. THE CONTRACTOR SHALL BE RESPONSIBLE FOR REPAIRING ALL LINES DAMAGED DURING EXCAVATION AND ALL ASSOCIATED OPERATIONS. ALL UTILITY LINES UNCOVERED DURING THE EXCAVATION OPERATIONS, SHALL BE PROTECTED FROM DAMAGE DURING EXCAVATION AND ASSOCIATED OPERATIONS. ALL REPAIRS SHALL BE APPROVED BY THE UTILITY COMPANY.
 - B. HAND DIGGING: UNLESS APPROVED IN WRITING OTHERWISE, ALL DIGGING WITHIN AN EXISTING CELL SITE COMPOUND IS TO BE DONE BY HAND.
 - C. DURING EXCAVATION, MATERIAL SUITABLE FOR BACKFILLING SHALL BE STOCKPILED IN AN ORDERLY MANNER A SUFFICIENT DISTANCE FROM THE BANKS OF THE TRENCH TO AVOID OVERLOADING AND TO PREVENT SLIDES OR CAVE-INS. ALL EXCAVATED MATERIALS NOT REQUIRED OR SUITABLE FOR BACKFILL SHALL BE REMOVED AND DISPOSED OF AT THE CONTRACTOR'S EXPENSE.
 - D. GRADING SHALL BE DONE AS MAY BE NECESSARY TO PREVENT SURFACE WATER FROM FLOWING INTO TRENCHES OR OTHER EXCAVATIONS, AND ANY WATER ACCUMULATING THEREIN SHALL BE REMOVED BY PUMPING OR BY OTHER APPROVED METHOD.
 - E. SHEETING AND SHORING SHALL BE DONE AS NECESSARY FOR THE PROTECTION OF THE WORK AND FOR THE SAFETY OF PERSONNEL. UNLESS OTHERWISE INDICATED, EXCAVATION SHALL BE BY OPEN CUT, EXCEPT THAT SHORT SECTIONS OF A TRENCH MAY BE TUNNELED IF, THE CONDUIT CAN BE SAFELY AND PROPERLY INSTALLED AND BACKFILL CAN BE PROPERLY TAMPED IN SUCH TUNNEL SECTIONS. EARTH EXCAVATION SHALL COMPRISE ALL MATERIALS AND SHALL INCLUDE CLAY, SILT, SAND, MUCK, GRAVEL, HARDPAN, LOOSE SHALE, AND LOOSE STONE.
 - F. TRENCHES SHALL BE OF NECESSARY WIDTH FOR THE PROPER LAYING OF THE CONDUIT OR CABLE, AND THE BANKS SHALL BE AS NEARLY VERTICAL AS PRACTICABLE. THE BOTTOM OF THE TRENCHES SHALL BE ACCURATELY GRADED TO PROVIDE UNIFORM BEARING AND SUPPORT FOR EACH SECTION OF THE CONDUIT OR CABLE ON UNDISTURBED SOIL AT EVERY POINT ALONG ITS ENTIRE LENGTH. EXCEPT WHERE ROCK IS ENCOUNTERED, CARE SHALL BE TAKEN NOT TO EXCAVATE BELOW THE DEPTHS INDICATED. WHERE ROCK EXCAVATIONS ARE NECESSARY, THE ROCK SHALL BE EXCAVATED TO A MINIMUM OVER DEPTH OF 6 INCHES BELOW THE TRENCH DEPTHS INDICATED ON THE CONSTRUCTION DRAWINGS OR SPECIFIED. OVER DEPTHS IN THE ROCK EXCAVATION AND UNAUTHORIZED OVER DEPTHS SHALL BE THOROUGHLY BACK FILLED AND TAMPED TO THE APPROPRIATE GRADE. WHENEVER WET OR OTHERWISE UNSTABLE SOIL THAT IS INCAPABLE OF PROPERLY SUPPORTING THE CONDUIT OR CABLE IS ENCOUNTERED IN THE BOTTOM OF THE TRENCH, SUCH SOLID SHALL BE REMOVED TO A MINIMUM OVER DEPTH OF 6 INCHES AND THE TRENCH BACKFILLED TO THE PROPER GRADE WITH EARTH OF OTHER SUITABLE MATERIAL, AS HEREINAFTER SPECIFIED.
 - G. BACKFILLING OF TRENCHES. TRENCHES SHALL NOT BE BACKFILLED UNTIL ALL SPECIFIED TESTS HAVE BEEN PERFORMED AND ACCEPTED. WHERE COMPACTED BACKFILL IS NOT INDICATED THE TRENCHES SHALL BE CAREFULLY BACKFILLED WITH SELECT MATERIAL SUCH AS EXCAVATED SOILS THAT ARE FREE OF ROOTS, SOD, RUBBISH OR STONES, DEPOSITED IN 6 INCH LAYERS AND THOROUGHLY AND CAREFULLY RAMMED UNTIL THE CONDUIT OR CABLE HAS A COVER OF NOT LESS THAN 1 FOOT. THE REMAINDER OF THE BACKFILL MATERIAL SHALL BE GRANULAR IN NATURE AND SHALL NOT CONTAIN ROOTS, SOD, RUBBING, OR STONES OF 2-1/2 INCH MAXIMUM DIMENSION. BACKFILL SHALL BE CAREFULLY PLACED IN THE TRENCH AND IN 1 FOOT LAYERS AND EACH LAYER TAMPED. SETTLING THE BACKFILL WITH WATER WILL BE PERMITTED. THE SURFACE SHALL BE GRADED TO A REASONABLE UNIFORMITY AND THE MOUNDING OVER THE TRENCHES LEFT IN A UNIFORM AND NEAT CONDITION.

SYMBOL	DESCRIPTION
	CIRCUIT BREAKER
	NON-FUSIBLE DISCONNECT SWITCH
	FUSIBLE DISCONNECT SWITCH
	SURFACE MOUNTED PANEL BOARD
	TRANSFORMER
	KILOWATT HOUR METER
	JUNCTION BOX
	PULL BOX TO NEC/TELCO STANDARDS
	UNDERGROUND UTILITIES
	EXOTHERMIC WELD CONNECTION
	MECHANICAL CONNECTION
	GROUND ROD
	GROUND ROD WITH INSPECTION SLEEVE
	GROUND BAR
	120AC DUPLEX RECEPTACLE
	GROUND CONDUCTOR
	DC POWER AND FIBER OPTIC TRUNK CABLES
	DC POWER CABLES
	REPRESENTS DETAIL NUMBER
	REF. DRAWING NUMBER

ABBREVIATIONS

CIGBE	COAX ISOLATED GROUND BAR EXTERNAL
MIGB	MASTER ISOLATED GROUND BAR
SST	SELF SUPPORTING TOWER
GPS	GLOBAL POSITIONING SYSTEM
TYP.	TYPICAL
DWG	DRAWING
BCW	BARE COPPER WIRE
BFG	BELOW FINISH GRADE
PVC	POLYVINYL CHLORIDE
CAB	CABINET
C	CONDUIT
SS	STAINLESS STEEL
G	GROUND
AWG	AMERICAN WIRE GAUGE
RGS	RIGID GALVANIZED STEEL
AHJ	AUTHORITY HAVING JURISDICTION
TTLNA	TOWER TOP LOW NOISE AMPLIFIER
UNO	UNLESS NOTED OTHERWISE
EMT	ELECTRICAL METALLIC TUBING
AGL	ABOVE GROUND LEVEL

INFINIGY

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Checked:	A&E	Date:	12/01/17

Project Number:
499-006

Project Title:
**CAMBRIDGE MT.
AUBURN HOSPITAL**
MAL02850
FA# 10546806
330 MOUNT AUBURN STREET
CAMBRIDGE, MA 02138

Prepared For:

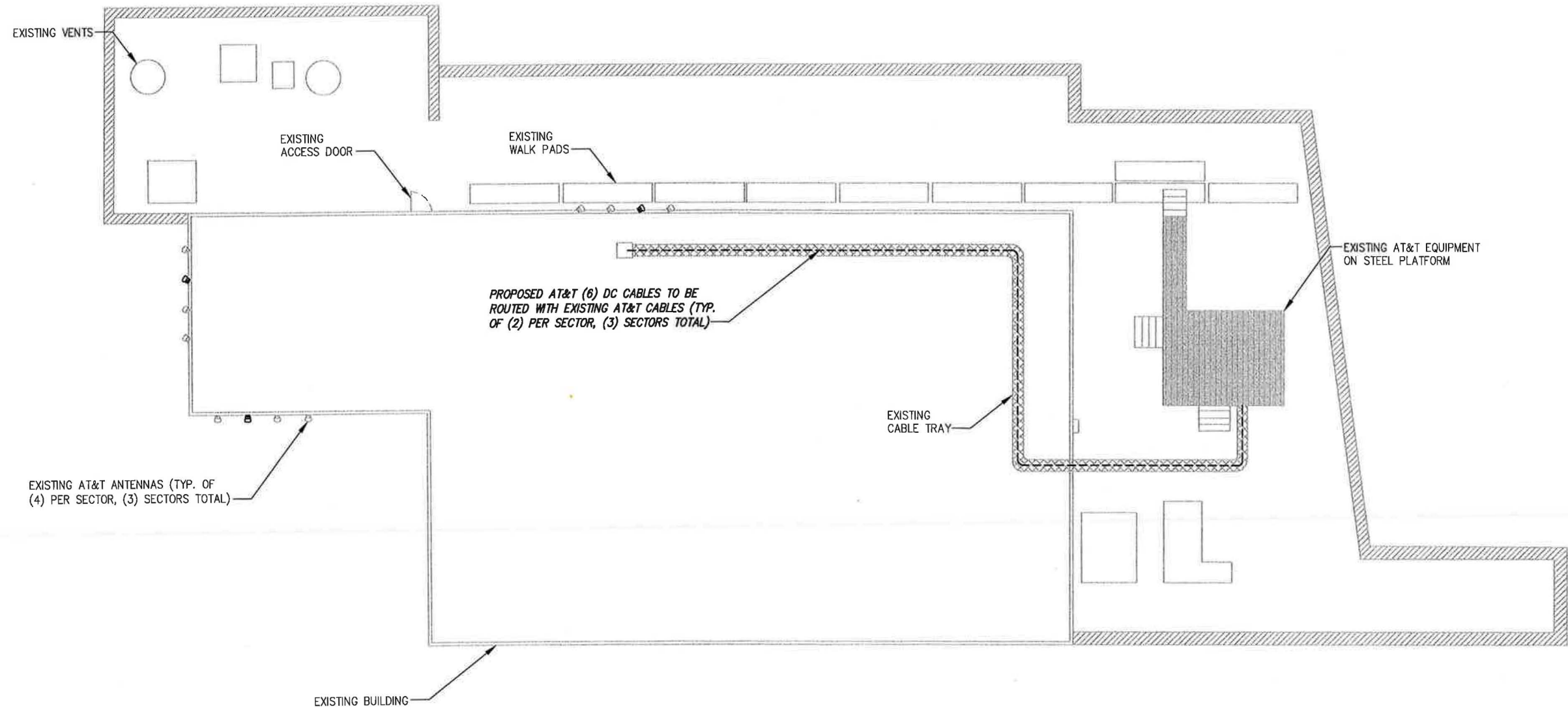


Drawing Scale:	AS NOTED
Date:	3/16/18

CD

Drawing Title:
GENERAL NOTES

Drawing Number:
C1



BASEMAPPING PREPARED FROM A SITE WALK PERFORMED BY INFINIGY ENGINEERING ON 09/20/17 AND PROVIDED INFORMATION, AND DOES NOT REPRESENT AN ACTUAL FIELD SURVEY.

TRUE NORTH

1 SITE PLAN
SCALE: AS NOTED

GRAPHIC SCALE:
20' 10' 0 10' 20'
SCALE (11x17): 1" = 20'-0"
SCALE (22x34): 1" = 10'-0"

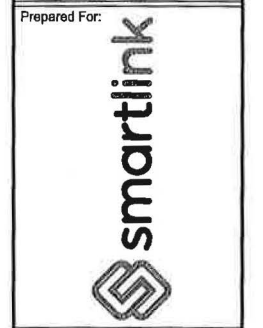
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Project Number: 499-008			

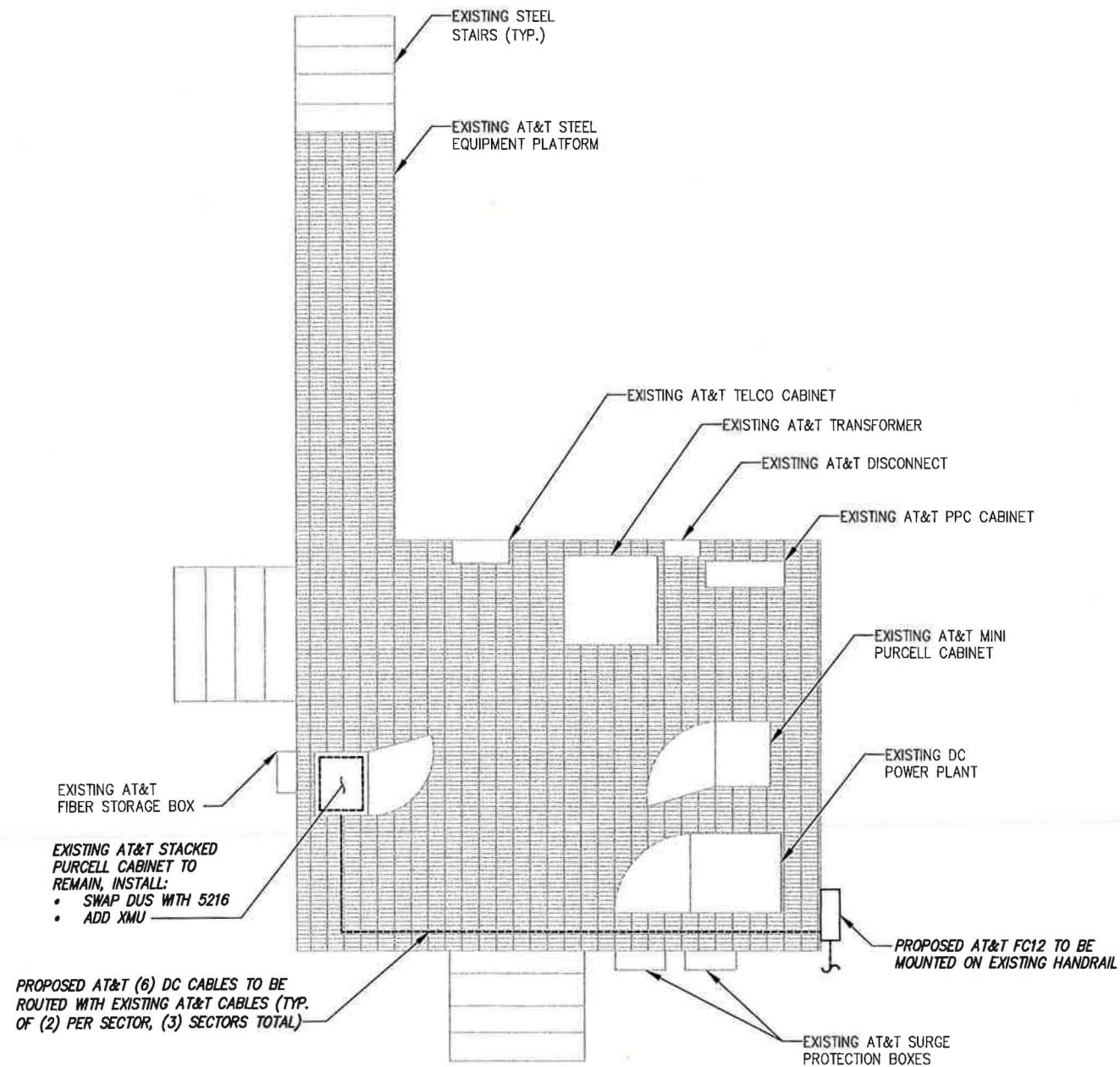
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AUBURN HOSPITAL
MAL02850
FA# 10546806
330 MOUNT AUBURN STREET
CAMBRIDGE, MA 02138



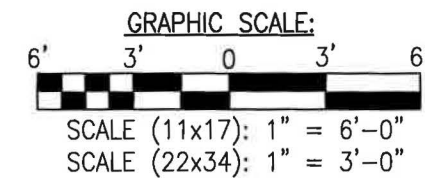
Drawing Scale: AS NOTED
Date: 3/16/18
CD

Drawing Title
OVERALL SITE PLAN

Drawing Number
C2



2 ENLARGED EQUIPMENT PLAN
SCALE: AS NOTED



BASEMAPPING PREPARED FROM A SITE WALK PERFORMED BY INFINIGY ENGINEERING ON 09/20/17 AND PROVIDED INFORMATION, AND DOES NOT REPRESENT AN ACTUAL FIELD SURVEY.

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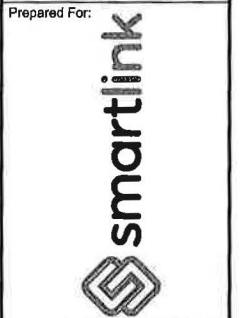
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Project Number:
499-006

Project Title:
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MAL02850
FA# 10546806**

330 MOUNT ABURN STREET
CAMBRIDGE, MA 02138



Drawing Scale:
AS NOTED

Date:
3/16/18

CD

Drawing Title
ENLARGED SITE PLAN

Drawing Number
C2A

- NOTE:**
- SEE 'STRUCTURAL ANALYSIS REPORT' COMPLETED BY INFINIGY, DATED 3/1/18
 - SEE '3C/4C/5C MOUNT ANALYSIS' COMPLETED BY INFINIGY, DATED 1/29/18
- NOTE:**
- 3 FEET MINIMUM SEPARATION BETWEEN LTE ANTENNAS
 - 6 FEET MINIMUM SEPARATION BETWEEN 700BC & 700 DE

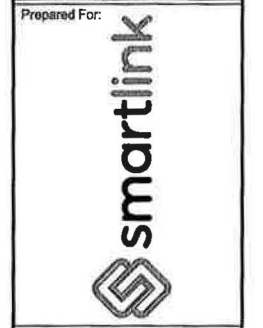
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Project Number:	499-006		

Project Title:
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 FA# 10546806
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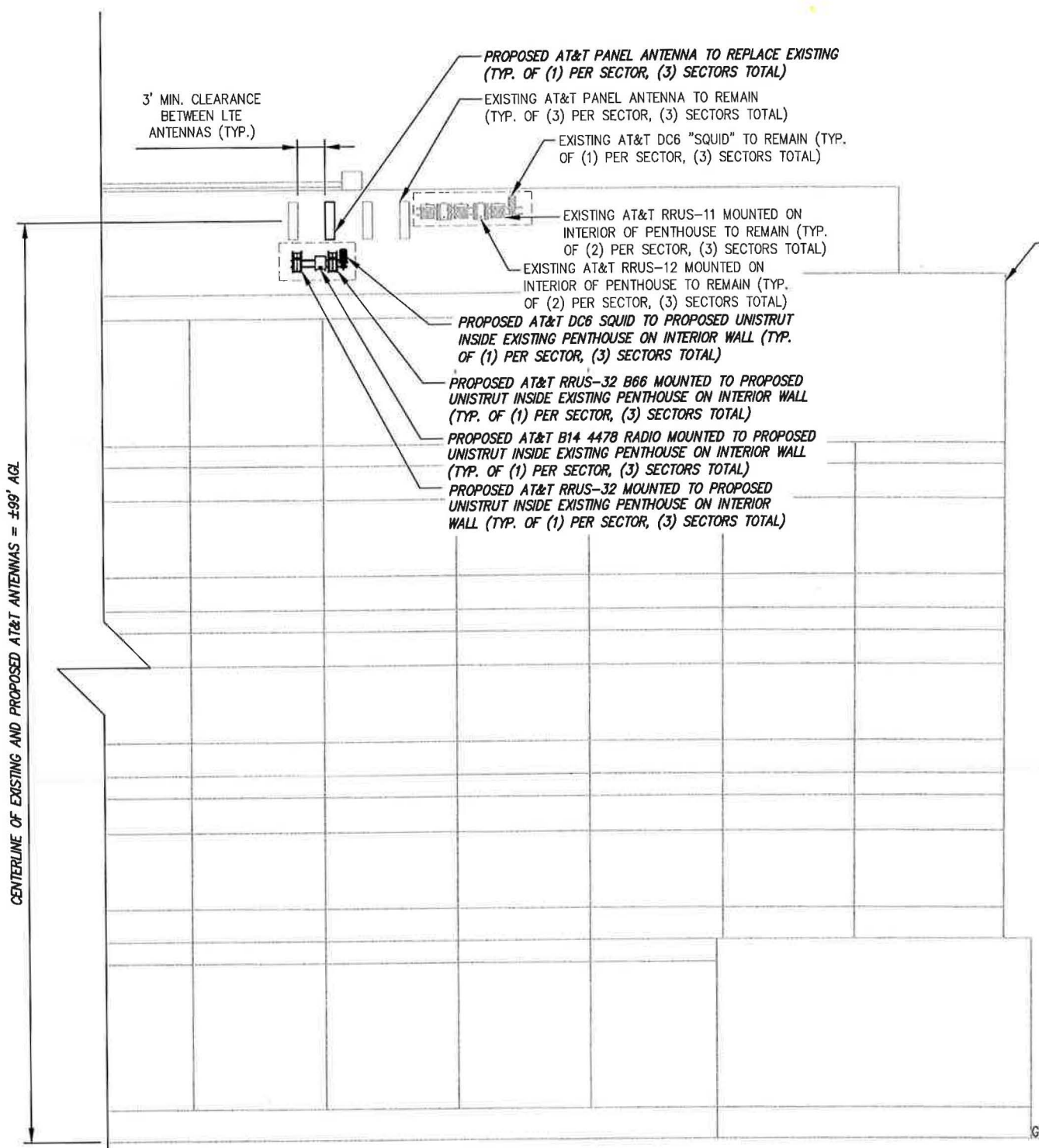


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Drawing Title
ELEVATION VIEW

Drawing Number
C3



FINAL ANTENNA CONFIGURATION & CABLE SCHEDULE BASED ON LTE RFDS DATED 2/6/18, V 8.00

SECTOR	ANTENNA POSITION	ANTENNA STATUS & TECHNOLOGY	ANTENNA MANF/MODEL	TMA/DIPLEXER	RRUS	AZIMUTH	ANTENNA C. HEIGHT	CABLE FEEDER		RAYCAP UNIT
								TYPE	LENGTH	
ALPHA	A-1	(E) UMTS 850	ANDREW SBNHH-1D65A	--	(E) RRUS-11	20°	±99'	(1) (E) FIBER CABLE (2) (E) DC CABLES	±50'	(1) (E) DC6 (1) (P) DC6
	A-2	(E) LTE WCS	ANDREW SBNHH-1D65A	--	(P) RRUS-32	20°	±99'	(2) (P) DC CABLES	±50' *	(1) (E) DC6 (1) (P) DC6
	A-3	(P) LTE 700/AWS	KATHREIN 800 10964	--	(P) B14 4478 (P) RRUS-32 B66	20°	±99'	SEE A-1 FOR CABLE INFORMATION	--	(1) (E) DC6 (1) (P) DC6
	A-4	(E) LTE 700/1900	ANDREW SBNHH-1D65A	--	(2) (E) RRU-12 (E) RRU-11	20°	±99'	SEE A-1 FOR CABLE INFORMATION	--	(1) (E) DC6 (1) (P) DC6
BETA	B-1	(E) UMTS 850	ANDREW SBNHH-1D65A	--	(E) RRUS-11	190°	±99'	(1) (E) FIBER CABLE (2) (E) DC CABLES	±180'	(1) (E) DC6 (1) (P) DC6
	B-2	(E) LTE WCS	ANDREW SBNHH-1D65A	--	(P) RRUS-32	190°	±99'	(2) (P) DC CABLES	±180' *	(1) (E) DC6 (1) (P) DC6
	B-3	(P) LTE 700/AWS	KATHREIN 800 10964	--	(P) B14 4478 (P) RRUS-32 B66	190°	±99'	SEE B-1 FOR CABLE INFORMATION	--	(1) (E) DC6 (1) (P) DC6
	B-4	(E) LTE 700/1900	ANDREW SBNHH-1D65A	--	(2) (E) RRU-12 (E) RRU-11	190°	±99'	SEE B-1 FOR CABLE INFORMATION	--	(1) (E) DC6 (1) (P) DC6
GAMMA	G-1	(E) UMTS 850	ANDREW SBNHH-1D65A	--	(E) RRUS-11	300°	±99'	(1) (E) FIBER CABLE (2) (E) DC CABLES	±200'	(1) (E) DC6 (1) (P) DC6
	G-2	(E) LTE WCS	ANDREW SBNHH-1D65A	--	(P) RRUS-32	300°	±99'	(2) (P) DC CABLES	±200' *	(1) (E) DC6 (1) (P) DC6
	G-3	(P) LTE 700/AWS	KATHREIN 800 10964	--	(P) B14 4478 (P) RRUS-32 B66	300°	±99'	SEE G-1 FOR CABLE INFORMATION	--	(1) (E) DC6 (1) (P) DC6
	G-4	(E) LTE 700/1900	ANDREW SBNHH-1D65A	--	(2) (E) RRU-12 (E) RRU-11	300°	±99'	SEE G-1 FOR CABLE INFORMATION	--	(1) (E) DC6 (1) (P) DC6

* CONTRACTOR TO VERIFY CABLE LENGTH PRIOR TO ORDERING

1 ELEVATION VIEW
 NOT TO SCALE

2 AT&T ANTENNA SCHEDULE
 NOT TO SCALE

NOTE:

- SEE 'STRUCTURAL ANALYSIS REPORT' COMPLETED BY INFINIGY, DATED 3/1/18
- SEE '3C/4C/5C MOUNT ANALYSIS' COMPLETED BY INFINIGY, DATED 1/29/18

NOTE:

- 3 FEET MINIMUM SEPARATION BETWEEN LTE ANTENNAS
- 6 FEET MINIMUM SEPARATION BETWEEN 700BC & 700 DE

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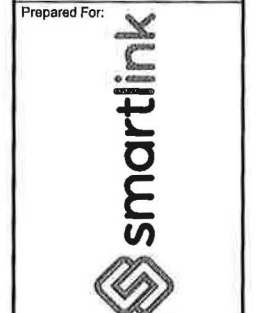
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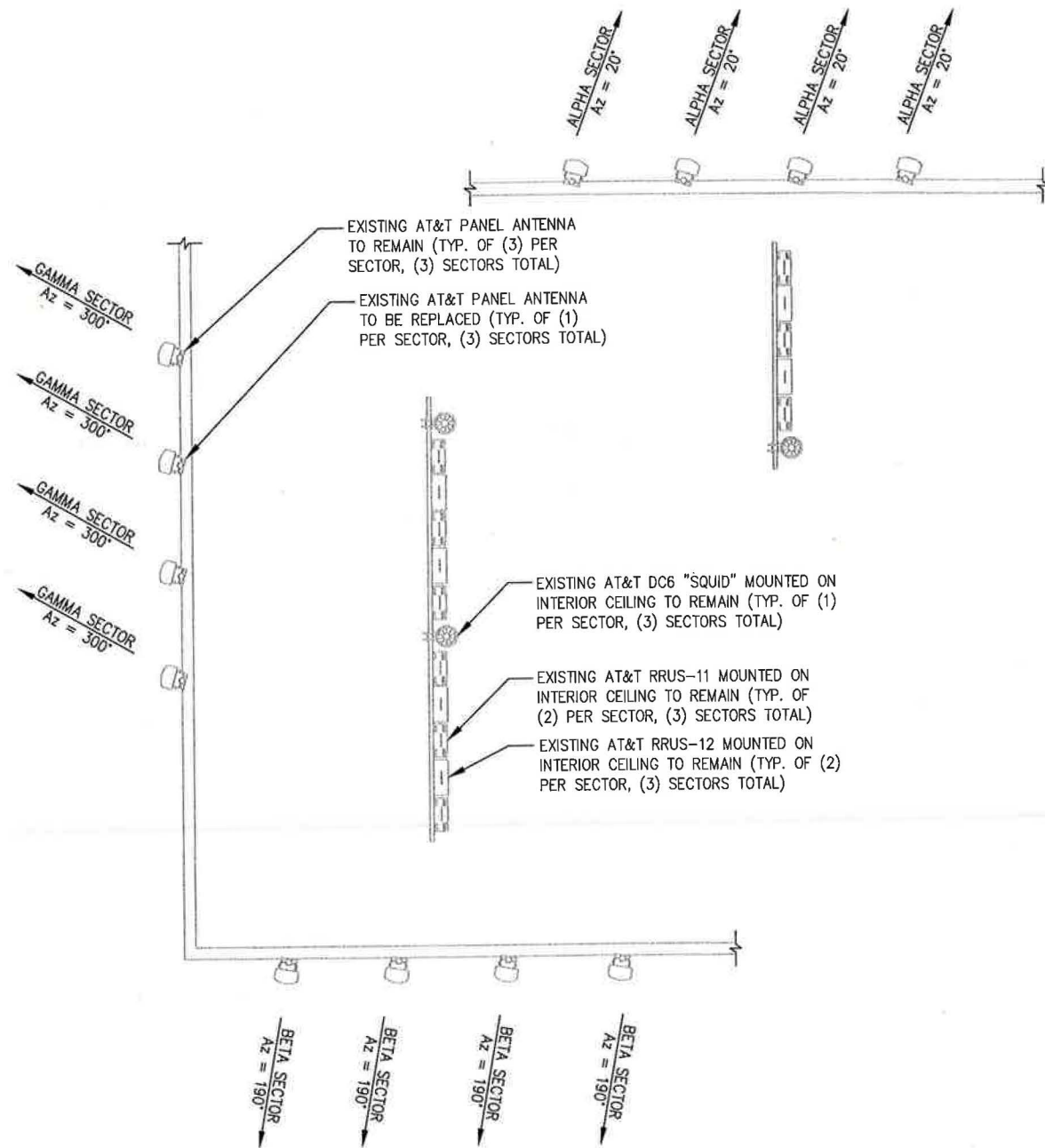
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Project Title: CAMBRIDGE MT. AUBURN HOSPITAL MAL02850 FA# 10546806
330 MOUNT AUBURN STREET CAMBRIDGE, MA 02138



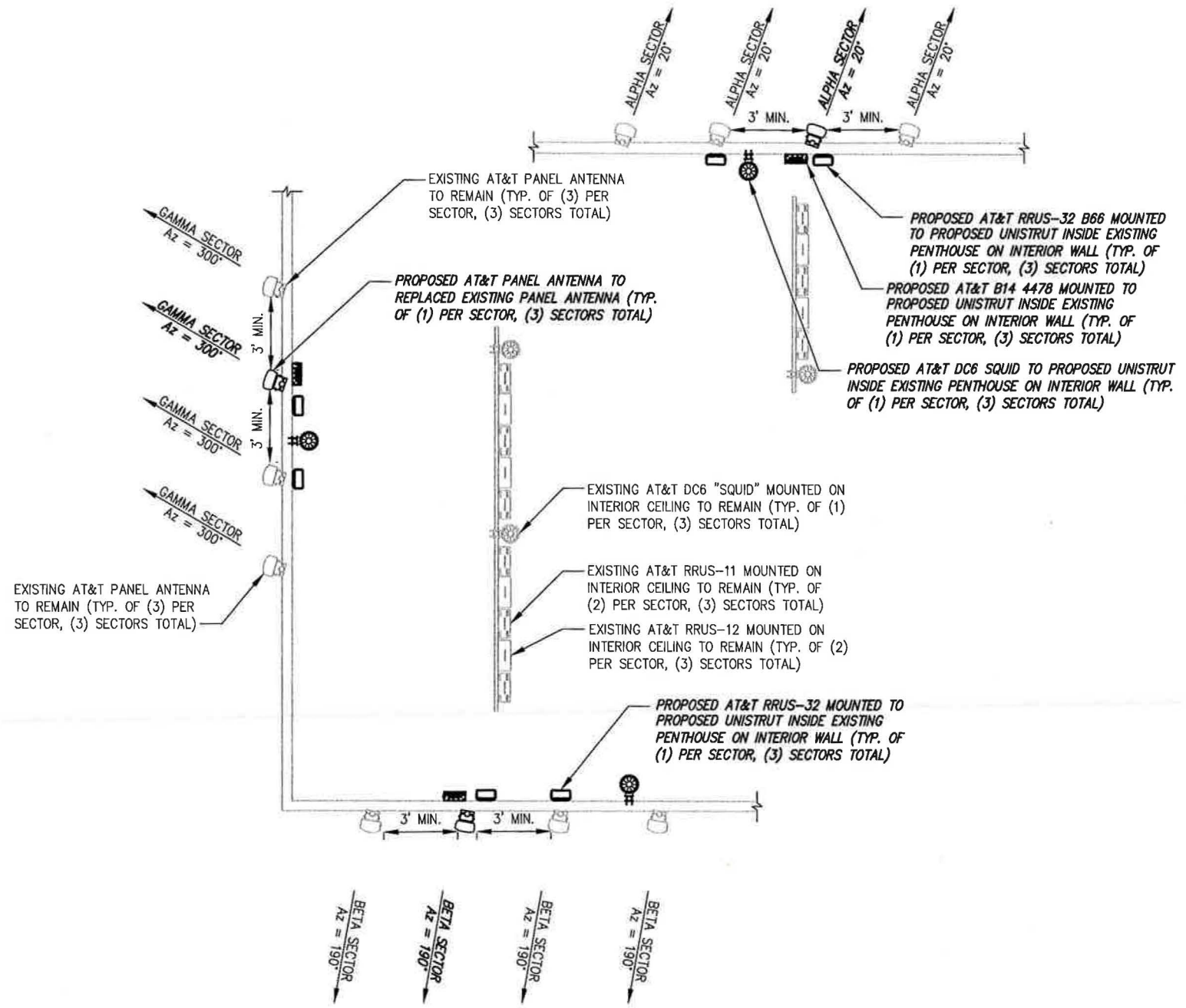
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Drawing Title: **ANTENNA ORIENTATION PLAN**

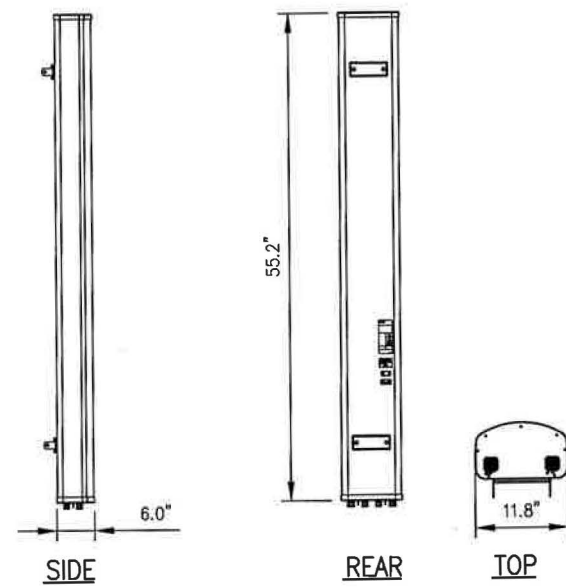
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1 EXISTING ANTENNA ORIENTATION PLAN
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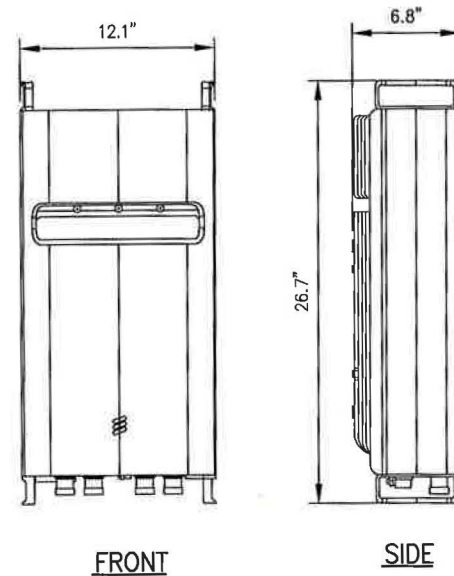
2 PROPOSED ANTENNA ORIENTATION PLAN
NOT TO SCALE



KATHREIN MODEL NO.: 800 10964

RADOME MATERIAL:	FIBERGLASS
RADOME COLOR:	LIGHT GRAY
DIMENSIONS, HxWxD:	(55.2"x11.8"x6.0")
WEIGHT, W/ PRE-MOUNTED BRACKETS:	60.0 LBS
CONNECTOR:	7-16 DIN FEMALE

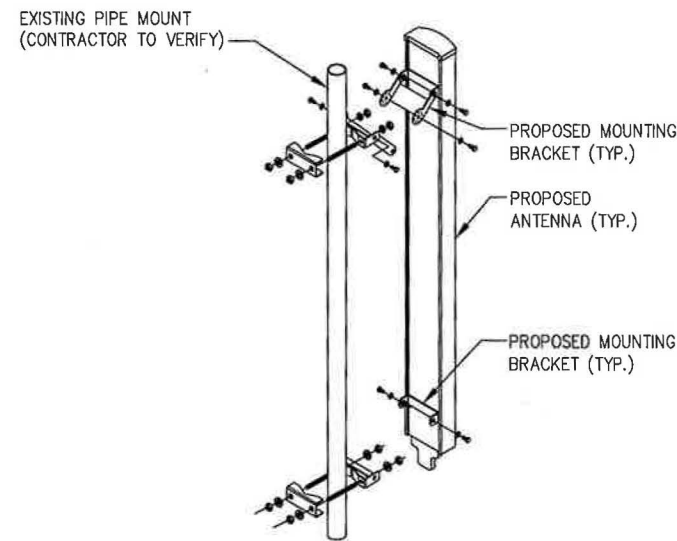
1 ANTENNA DETAIL
NOT TO SCALE



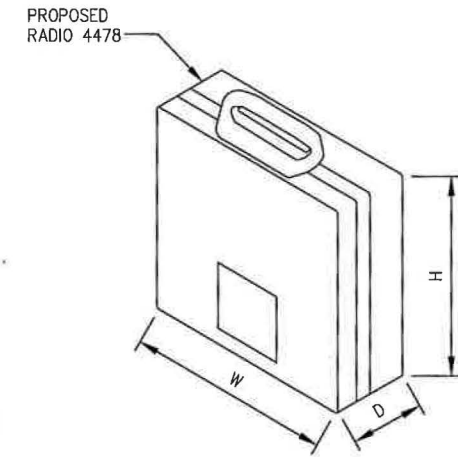
RRUS-32 SPECIFICATIONS

- HxWxD, (INCHES) : 26.7"x12.1"x6.8"
- WEIGHT (LBS) : 50.8
- COLOR : GRAY
- MOUNTING BRACKET: SXX1250246/1

2 ERICSSON RRUS-32 DETAIL
NOT TO SCALE



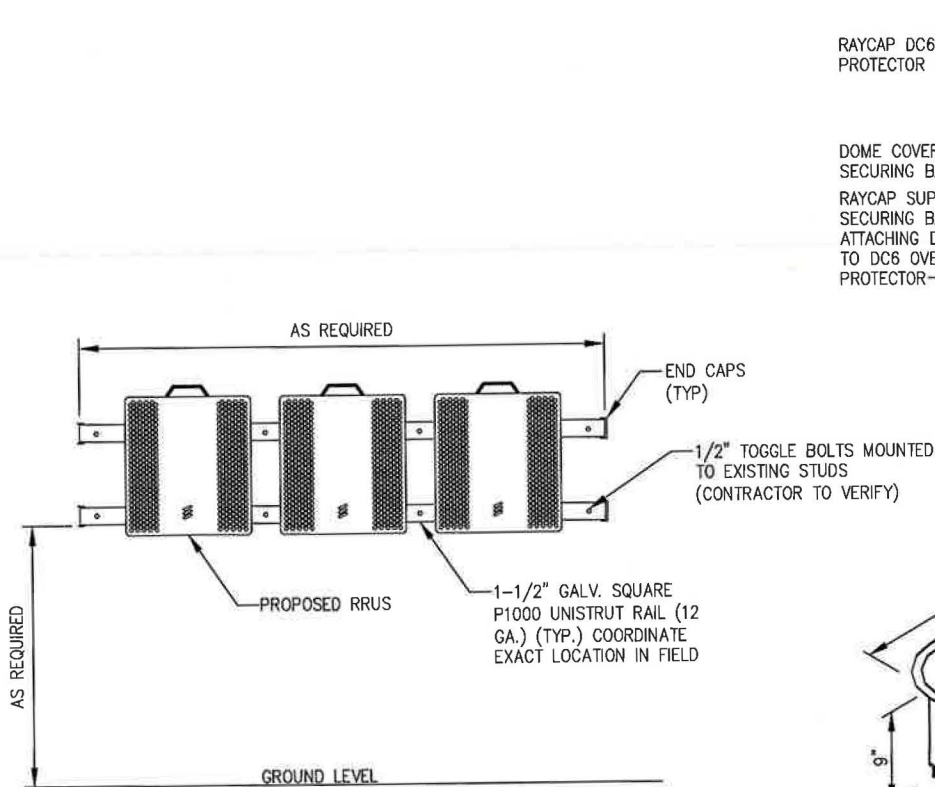
3 ANTENNA MOUNTING DETAIL
NOT TO SCALE



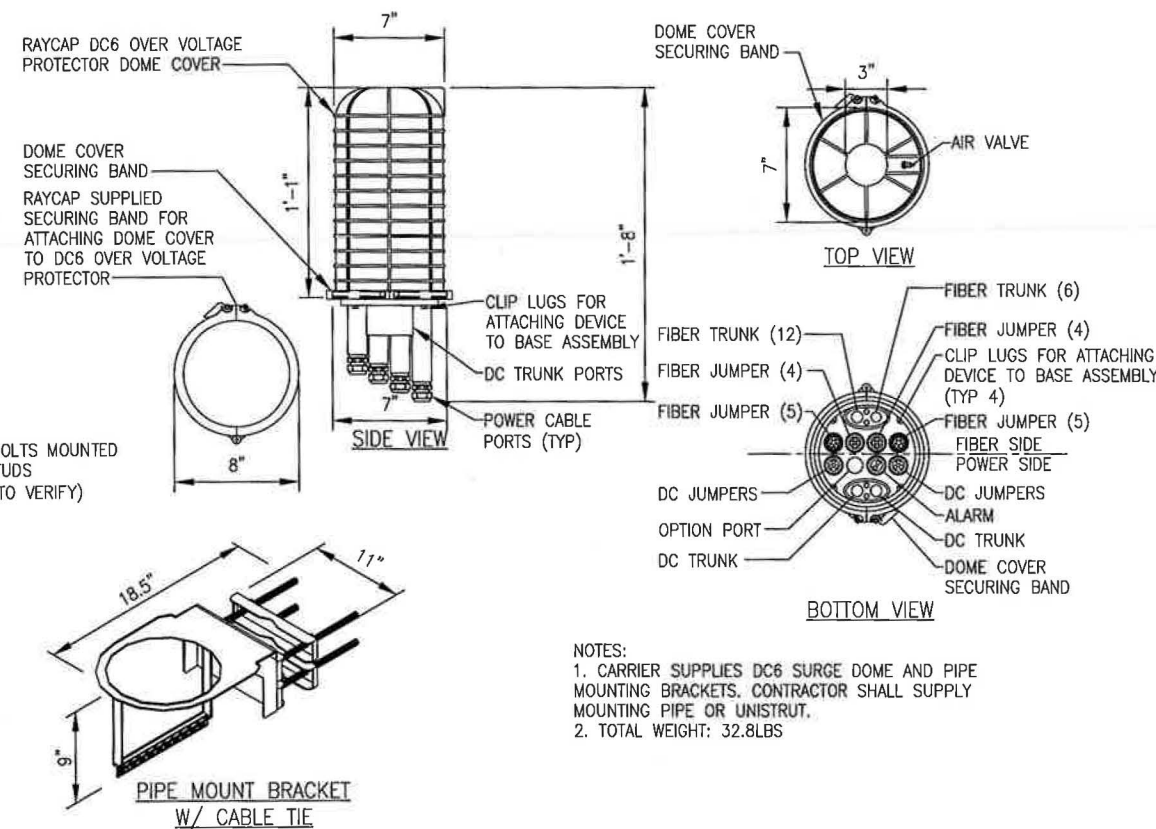
RADIO 4478 SPECIFICATIONS

- HxWxD, (INCHES) : TBD
- WEIGHT (LBS) : 59.5
- COLOR : GRAY
- MOUNTING BRACKET: SXX1250247/1

4 ERICSSON RADIO 4478 DETAIL
NOT TO SCALE

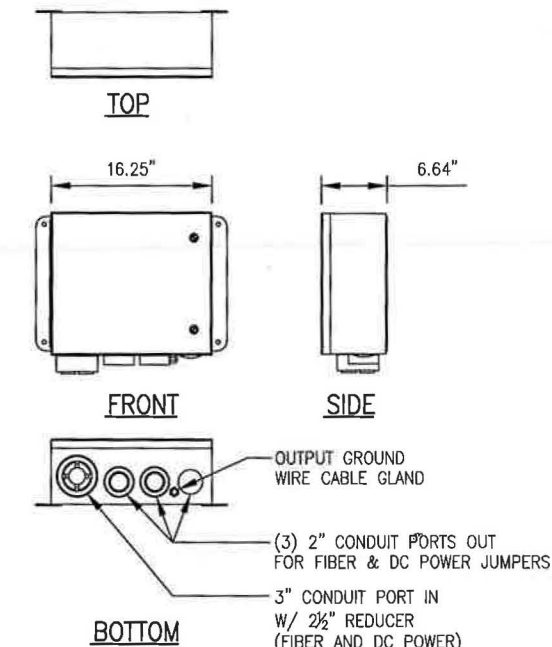


5 RRU MOUNTING DETAIL
NOT TO SCALE



NOTES:
1. CARRIER SUPPLIES DC6 SURGE DOME AND PIPE MOUNTING BRACKETS. CONTRACTOR SHALL SUPPLY MOUNTING PIPE OR UNISTRUT.
2. TOTAL WEIGHT: 32.8LBS

6 SQUID MOUNTING DETAIL
NOT TO SCALE



RAYCAP MODEL NO.: FC12-PC6-10E

DIMENSIONS, HxWxD:	16.25"x16.25"x6.64"
WEIGHT, W/O MOUNTING HARDWARE:	20.0 LBS
CONNECTOR:	(3) 2" & (1) 3"

6 FC12 DETAIL
NOT TO SCALE

INFINIGY

1033 Watervliet Shaker Rd
Albany, NY 12205
Office # (518) 690-0790
Fax # (518) 690-0793



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0	ISSUED FOR REVIEW	BM	12/01/17
No.	Submitted / Revision	App'd	Date

Drawn: BM Date: 12/20/17
Designed: ASW Date: 12/01/17
Checked: AJG Date: 12/20/17
Project Number: 499-006
Project Title: CAMBRIDGE MT. AUBURN HOSPITAL MAL02850 FA# 10546806
330 MOUNT AUBURN STREET CAMBRIDGE, MA 02138



Drawing Scale: AS NOTED
Date: 3/16/18
CD

Drawing Title: **EQUIPMENT DETAILS**

Drawing Number: **C5**



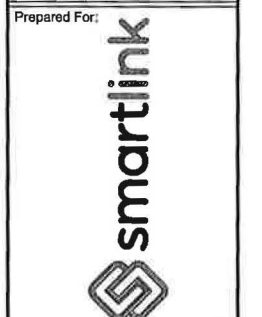
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Drawn:	BNM	Date:	12/01/17
Designed:	ASW	Date:	12/01/17
Checked:	AJD	Date:	12/01/17

Project Number:
499-006

Project Title:
CAMBRIDGE MT. AUBURN HOSPITAL
MAL02850
FA# 10546806

330 MOUNT AUBURN STREET
CAMBRIDGE, MA 02138



Prepared For:

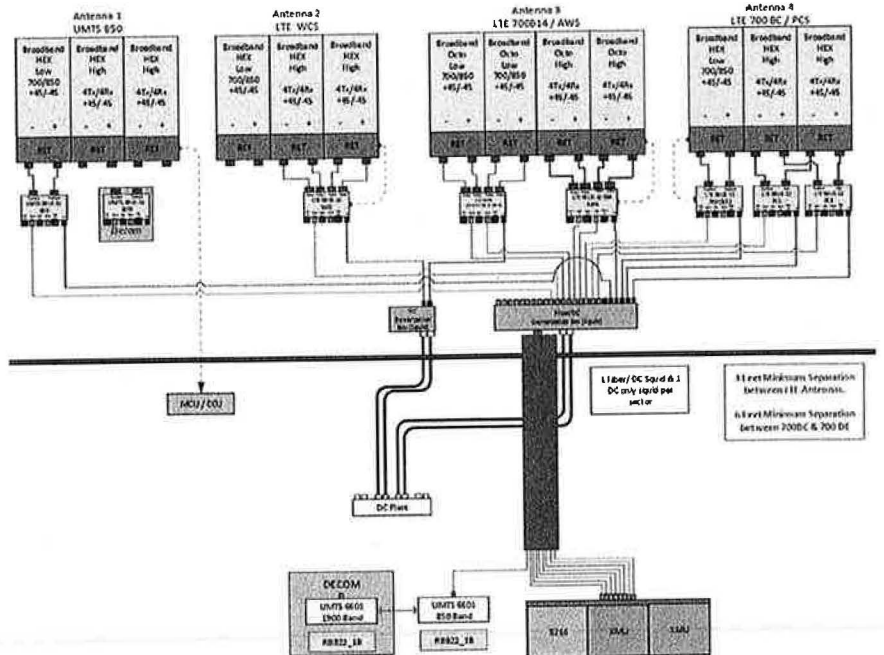
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AS NOTED

Date:
3/16/18

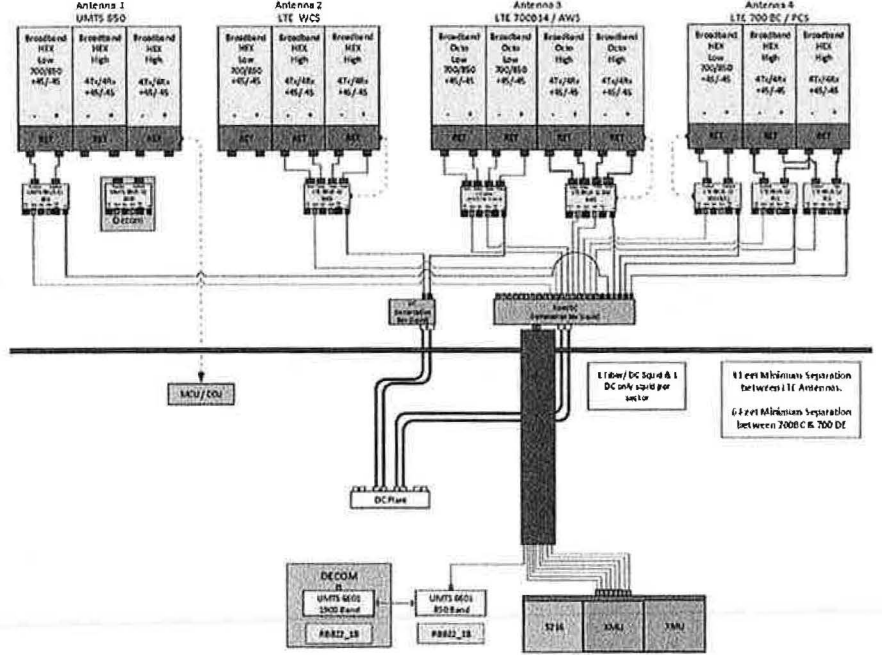
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Drawing Title:
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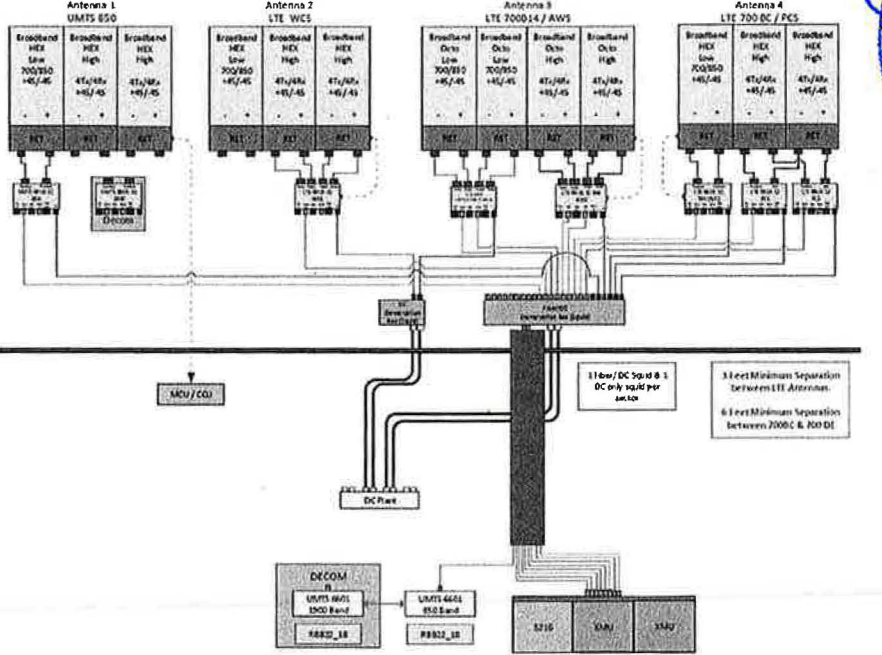
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ALPHA SECTOR



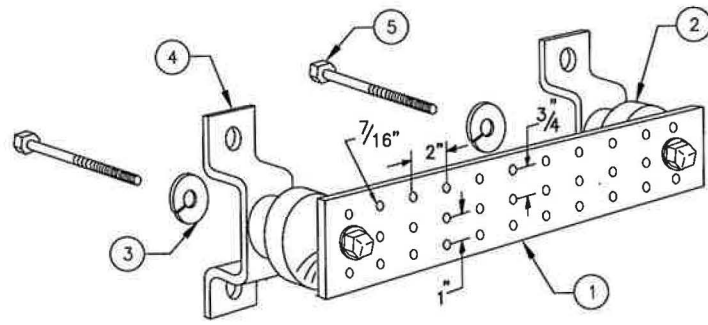
BETA SECTOR



GAMMA SECTOR

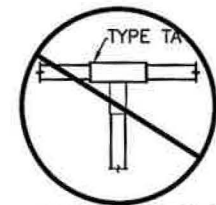
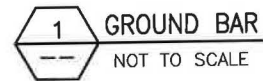
1 PLUMBING DIAGRAM (FINAL CONFIGURATION)
NOT TO SCALE

*BASED ON LTE RFDS, DATED 2/6/18, V 8.00



LEGEND

- 1 - SOLID TINNED COPPER GROUND BAR, 1/4"x 4"x 20" MIN., NEWTON INSTRUMENT CO. HOLE CENTERS TO MATCH NEMA DOUBLE LUG CONFIGURATION
- 2 - INSULATORS, NEWTON INSTRUMENT CAT. NO. 3061-4
- 3 - 5/8" LOCKWASHERS, NEWTON INSTRUMENT CO. CAT. NO. 3015-8
- 4 - WALL MOUNTING BRACKET, NEWTON INSTRUMENT CO. CAT NO. A-6056
- 5 - 5/8-11 X 1" H.H.C.S. BOLTS, NEWTON INSTRUMENT CO. CAT NO. 3012-1
- 6 - GROUND BAR SHALL BE SIZED TO ACCOMODATE ALL GROUNDING CONNECTIONS REQUIRED PLUS PROVIDE 50% SPARE CAPACITY
- 7 - GROUND BARS SHALL NEITHER BE FIELD FABRICATED NOR NEW HOLES DRILLED
- 8 - GROUND LUGS SHALL MATCH THE HOLE SPACING ON THE BAR
- 9 - HARDWARE DIAMETER SHALL BE MINIMUM 3/8"



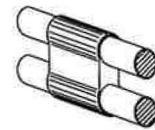
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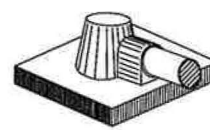
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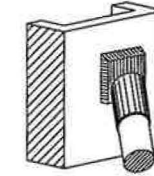
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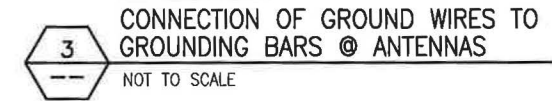
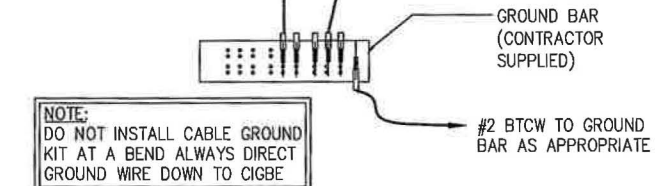
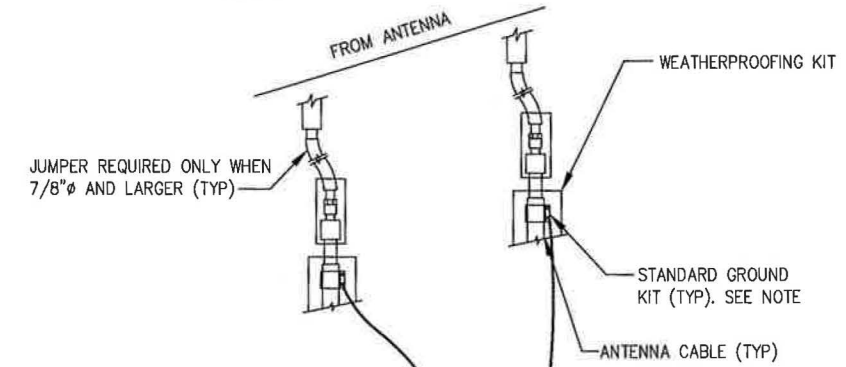
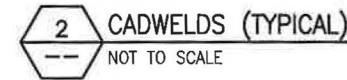
TYPE PH



TYPE KA

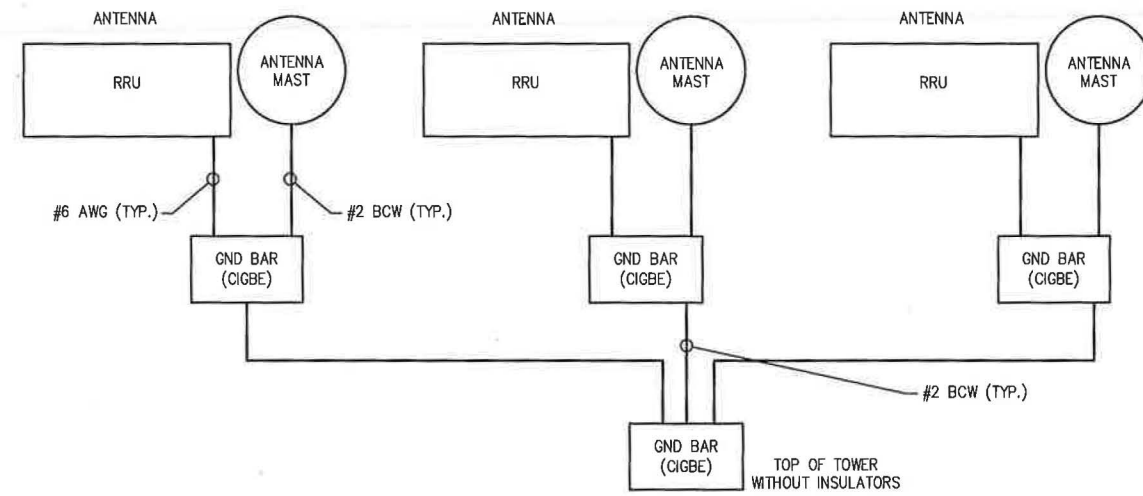
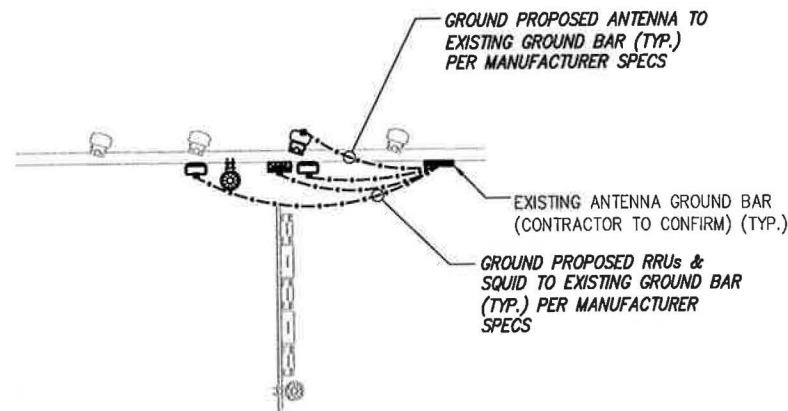


TYPE VS



GROUNDING SYMBOLS

- COMPRESSION TYPE CONNECTION
- EXOTHERMIC WELD TYPE CONNECTION
- G — #2/0 BTS COPPER CONDUCTOR BURIED GROUND CABLE



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 Fax # (518) 860-0793

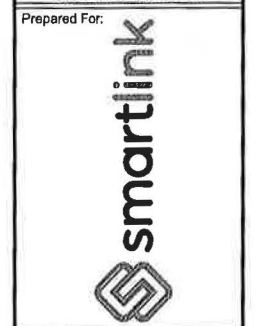


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No.	Submittal / Revision	App'd	Date
1	ISSUED FOR PERMIT	ASW	3/16/18
0	ISSUED FOR REVIEW	BMM	12/01/17

Drawn: BMM Date: 12/01/17
 Designed: ASW Date: 12/01/17
 Checked: A.D. Date: 12/01/17
 Project Number: 499-006

Project Title:
CAMBRIDGE MT. AUBURN HOSPITAL
 MAL02850
 FA# 10546806
 330 MOUNT AUBURN STREET
 CAMBRIDGE, MA 02138



Drawing Scale: AS NOTED
 Date: 3/16/18
CD

Drawing Title:
GROUNDING DETAILS

Drawing Number:
C7

8-Port Antenna

R1	R2	Y1	Y2
-----------	-----------	-----------	-----------

KATHREIN

Frequency Range

698-960	698-960	1695-2690	1695-2690
---------	---------	-----------	-----------

Dual Polarization

X	X	X	X
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HPBW

65°	65°	65°	65°
-----	-----	-----	-----

Adjust. Electr. DT

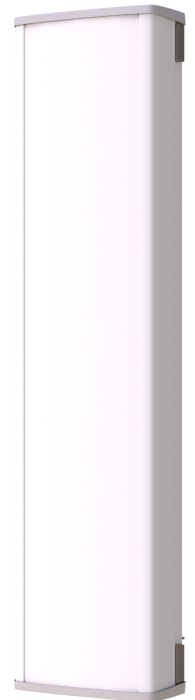
2°-16°	2°-16°	2.5°-12°	2.5°-12°
--------	--------	----------	----------

set by **FlexRET**



8-Port Antenna 698-960/698-960/1695-2690/1695-2690 65°/65°/65°/65° 14/14/17.5/17.5dBi
2°-16°/2°-16°/2.5°-12°/2.5°-12°T

Type No.		80010964			
Left side, lowband		R1, connector 1-2			
		698-960			
Frequency Range	MHz	698 – 806	791 – 862	824 – 894	880 – 960
Gain at mid Tilt	dBi	13.6	14.2	14.3	14.6
Gain over all Tilts	dBi	13.6 ± 0.6	14.2 ± 0.3	14.3 ± 0.3	14.5 ± 0.4
Horizontal Pattern:					
Azimuth Beamwidth	°	64.6 ± 4.2	62.5 ± 2.4	62.0 ± 2.4	59.3 ± 3.6
Front-to-Back Ratio, Total Power, ± 30°	dB	> 21.5	> 22.5	> 25.2	> 25.3
Vertical Pattern:					
Elevation Beamwidth	°	17.8 ± 1.8	16.2 ± 1.0	15.8 ± 0.8	14.7 ± 1.1
Electrical Downtilt continuously adjustable	°	2.0 – 16.0			
Tilt Accuracy	°	< 0.7	< 0.7	< 0.8	< 0.8
First Upper Side Lobe Suppression	dB	> 17.3	> 15.8	> 15.2	> 14.6
Cross Polar Isolation	dB	> 28			
Port to Port Isolation	dB	> 27 (R1 // R2) > 30 (R1 // Y1, Y2)			
Max. Effective Power per Port	W	300 (at 50 °C ambient temperature)			
Max. Effective Power Port 1-2	W	600 (at 50 °C ambient temperature)			



Values based on NGMN-P-BASTA (version 9.6) requirements.

936.5553.1 ngmn Subject to alteration.

All specifications are subject to change without notice.
The latest specifications are available at www.kathreinusa.com

Right side, lowband		R2, connector 3-4			
		698-960			
Frequency Range	MHz	698 – 806	791 – 862	824 – 894	880 – 960
Gain at mid Tilt	dBi	13.4	14.1	14.3	14.3
Gain over all Tilts	dBi	13.4 ± 0.5	14.0 ± 0.5	14.2 ± 0.3	14.3 ± 0.4
Horizontal Pattern:					
Azimuth Beamwidth	°	64.1 ± 5.6	61.8 ± 2.9	61.5 ± 2.9	59.5 ± 3.6
Front-to-Back Ratio, Total Power, ± 30°	dB	> 20.6	> 23.6	> 26.1	> 25.5
Vertical Pattern:					
Elevation Beamwidth	°	17.6 ± 1.5	16.1 ± 1.3	15.5 ± 0.7	14.6 ± 0.9
Electrical Downtilt continuously adjustable	°	2.0 – 16.0			
Tilt Accuracy	°	< 1.1	< 0.8	< 0.8	< 1.1
First Upper Side Lobe Suppression	dB	> 17.9	> 14.9	> 14.6	> 15.6
Cross Polar Isolation	dB	> 28			
Port to Port Isolation	dB	> 27 (R2 // R1) > 30 (R2 // Y1, Y2)			
Max. Effective Power per Port	W	300 (at 50 °C ambient temperature)			
Max. Effective Power Port 3-4	W	600 (at 50 °C ambient temperature)			

Values based on NGMN-P-BASTA (version 9.6) requirements.

Left side, highband		Y1, connector 5-6				
		1695-2690				
Frequency Range	MHz	1695 – 1880	1850 – 1990	1920 – 2170	2300 – 2400	2500 – 2690
Gain at mid Tilt	dBi	16.9	17.3	17.5	17.7	17.2
Gain over all Tilts	dBi	16.9 ± 0.3	17.3 ± 0.4	17.4 ± 0.4	17.7 ± 0.8	17.1 ± 0.9
Horizontal Pattern:						
Azimuth Beamwidth	°	64.4 ± 4.0	62.7 ± 4.9	60.3 ± 4.5	53.6 ± 4.5	55.6 ± 8.3
Front-to-Back Ratio, Total Power, ± 30°	dB	> 23.8	> 25.3	> 25.2	> 27.2	> 23.2
Vertical Pattern:						
Elevation Beamwidth	°	6.8 ± 0.3	6.4 ± 0.2	6.0 ± 0.5	5.2 ± 0.3	4.7 ± 0.3
Electrical Downtilt continuously adjustable	°	2.5 – 12.0				
Tilt Accuracy	°	< 0.4	< 0.4	< 0.3	< 0.4	< 0.4
First Upper Side Lobe Suppression	dB	> 15.6	> 16.5	> 15.7	> 14.6	> 14.2
Cross Polar Isolation	dB	> 26, typically > 30 dB				
Port to Port Isolation	dB	> 30 (Y1 // R1, R2, Y2)				
Max. Effective Power per Port	W	200 (at 50 °C ambient temperature)				
Max. Effective Power Port 5-6	W	400 (at 50 °C ambient temperature)				

Values based on NGMN-P-BASTA (version 9.6) requirements.

936.5553.1 ngmn Subject to alteration.

Right side, highband		Y2, connector 7-8				
		1695-2690				
Frequency Range	MHz	1695 – 1880	1850 – 1990	1920 – 2170	2300 – 2400	2500 – 2690
Gain at mid Tilt	dBi	16.8	17.2	17.3	17.6	17.0
Gain over all Tilts	dBi	16.8 ± 0.4	17.2 ± 0.5	17.2 ± 0.6	17.6 ± 0.9	17.0 ± 1.0
Horizontal Pattern:						
Azimuth Beamwidth	°	67.0 ± 4.7	63.7 ± 6.7	60.7 ± 6.8	54.6 ± 6.0	53.9 ± 9.8
Front-to-Back Ratio, Total Power, ± 30°	dB	> 24.2	> 25.3	> 25.1	> 26.2	> 22.0
Vertical Pattern:						
Elevation Beamwidth	°	6.8 ± 0.3	6.4 ± 0.3	6.0 ± 0.5	5.3 ± 0.3	4.7 ± 0.3
Electrical Downtilt continuously adjustable	°	2.5 – 12.0				
Tilt Accuracy	°	< 0.2	< 0.2	< 0.2	< 0.2	< 0.2
First Upper Side Lobe Suppression	dB	> 16.1	> 16.3	> 15.2	> 15.8	> 13.8
Cross Polar Isolation	dB	> 26, typically > 30 dB				
Port to Port Isolation	dB	> 30 (Y2 // R1, R2, Y1)				
Max. Effective Power per Port	W	200 (at 50 °C ambient temperature)				
Max. Effective Power Port 7-8	W	400 (at 50 °C ambient temperature)				

Values based on NGMN-P-BASTA (version 9.6) requirements.

Electrical specifications, all systems		
Impedance	Ω	50
VSWR		< 1.5
Return Loss	dB	> 14
Interband Isolation	dB	> 27
Passive Intermodulation	dBc	< -153 (2 x 43 dBm carrier)
Polarization	$^\circ$	+45, -45
Max. Effective Power for the Antenna	W	1200 (at 50 °C ambient temperature)

Values based on NGMN-P-BASTA (version 9.6) requirements.

Mechanical specifications		
Input		8 x 4.3-10 female
Connector Position		bottom
Adjustment Mechanism		FlexRET, continuously adjustable
Wind load (at Rated Wind Speed: 150 km/h) (93 mph)	N lbf	Frontal: 835 188 Maximal: 840 189
Max. Wind Velocity	km/h mph	241 150
Height / Width / Depth	mm inches	1499 / 508 / 175 59.0 / 20.0 / 6.9
Category of Mounting Hardware		XH (X-Heavy)
Weight	kg lb	38.0 / 43.0 (clamps incl.) 83.8 / 94.8 (clamps incl.)
Packing Size	mm inches	1700 / 542 / 268 66.9 / 21.3 / 10.6
Scope of Supply		Panel, FlexRET and clamps for 55–115 mm 2.2–4.5 inches diameter

Accessories (order separately if required)

Type No.	Description	Remarks mm inches	Weight approx. kg lb	Units per antenna
85010097	2 clamps	Mast diameter: 110 – 220 4.3 – 8.7	9.4 20.7	1
85010099	1 downtilt kit	Downtilt angle: 0° – 18°	10.6 23.4	1
86010154	Site Sharing Adapter	3-way (see figure below)	0.7 1.5	
86010155	Site Sharing Adapter	6-way (see figure below)	1.4 3.1	
86010162	Gender Adapter	Solely to be used in combination with the FlexRET module 86010153v01	0.045 0.099	1
86010163	Port Extender		0.16 0.35	1

Accessories (included in the scope of supply)

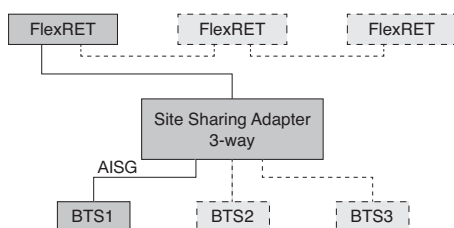
85010096	2 clamps	Mast diameter: 55 – 115 2.2 – 4.5	5.0 11.0	1
86010153v01	FlexRET			1

For downtilt mounting use the clamps for an appropriate mast diameter together with the downtilt kit. Wall mounting: No additional mounting kit needed.

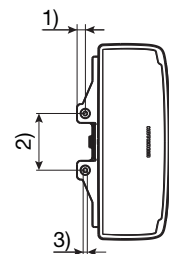
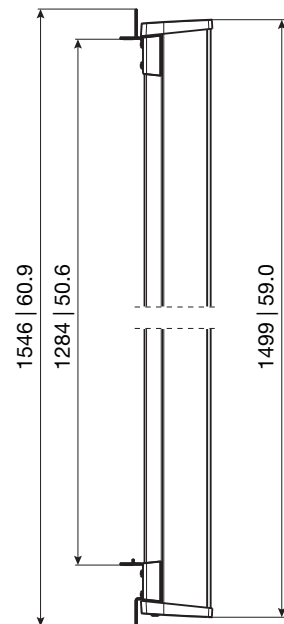
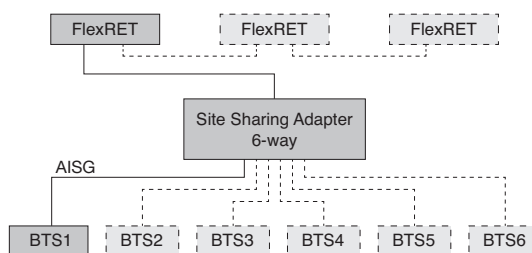
Material: **Reflector screen:** Aluminum.
Fiberglass housing: It covers totally the internal antenna components. The special design reduces the sealing areas to a minimum and guarantees the best weather protection. Fiberglass material guarantees optimum performance with regards to stability, stiffness, UV resistance and painting. The color of the radome is light grey.
All nuts and bolts: Stainless steel or hot-dip galvanized steel.

Grounding: The metal parts of the antenna including the mounting kit and the inner conductors are DC grounded.

Configuration example with Site Sharing Adapter 86010154



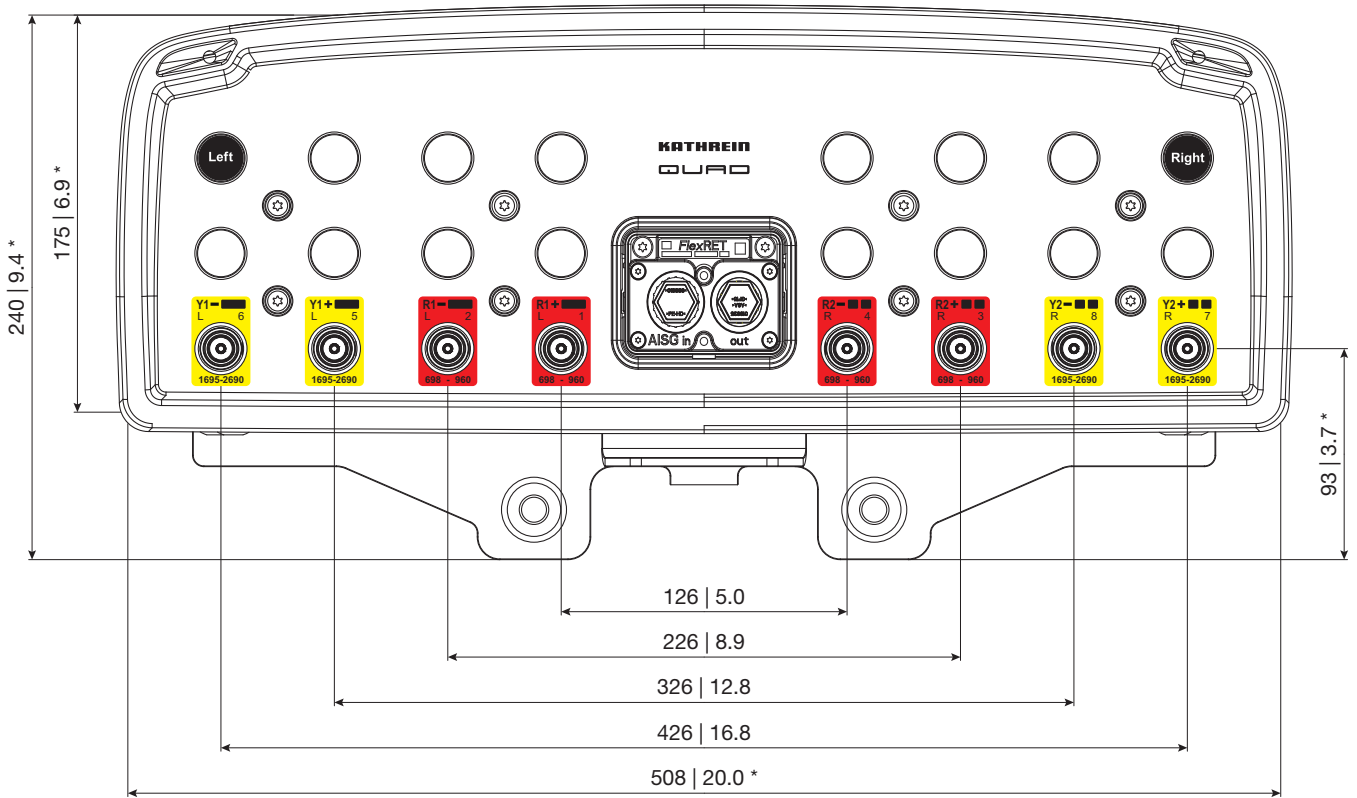
Configuration example with Site Sharing Adapter 86010155



1) 22 | 0.9
 2) 150 | 5.9
 3) \varnothing 11 | 0.4
 All dimensions in mm | inches

For more information please refer to the respective data sheets.

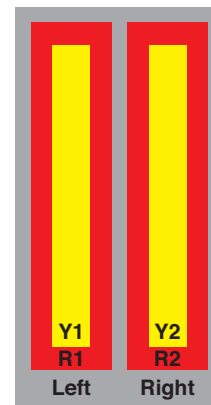
Layout of interface:



Bottom view
 * Dimensions refer to radome
 All dimensions in mm | inches

Correlation Table

Frequency range	Array	Connector
698–960 MHz	R1	1–2
698–960 MHz	R2	3–4
1695–2690 MHz	Y1	5–6
1695–2690 MHz	Y2	7–8



Order Information

Model	Description
80010964	8-Port antenna with mounting bracket
80010964K	8-Port antenna with mounting bracket and mechanical tilt bracket

Any previous data sheet issues have now become invalid.

All specifications are subject to change without notice.
 The latest specifications are available at www.kathreinusa.com



LOCATION

@2016 Google Maps



EXISTING



PROPOSED



LOCATION

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EXISTING

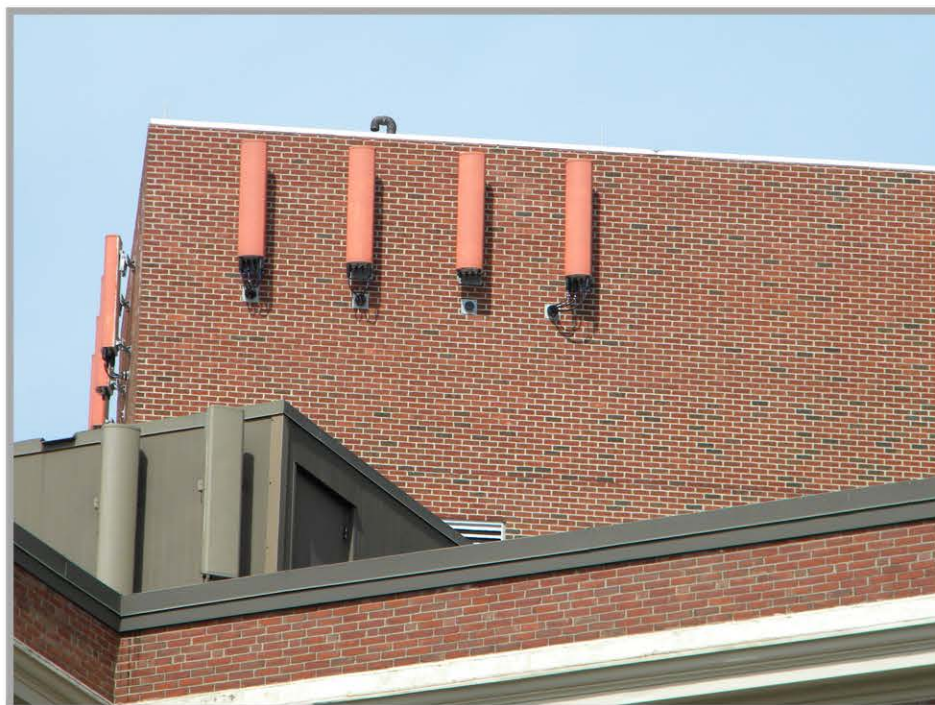


PROPOSED



LOCATION

@2016 Google Maps



EXISTING



PROPOSED



LOCATION

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EXISTING



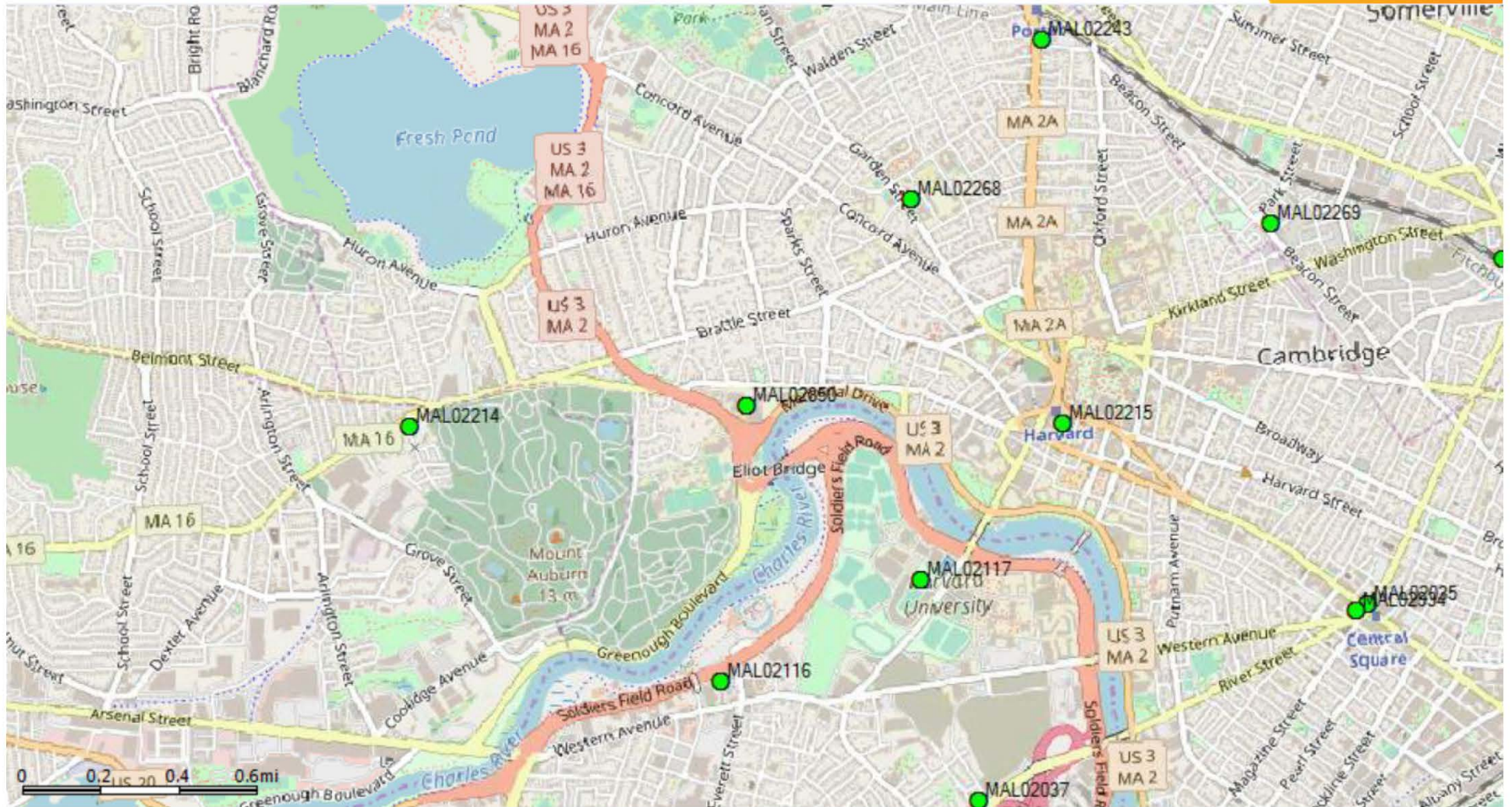
PROPOSED

MAL02850 LTE AWS Plots

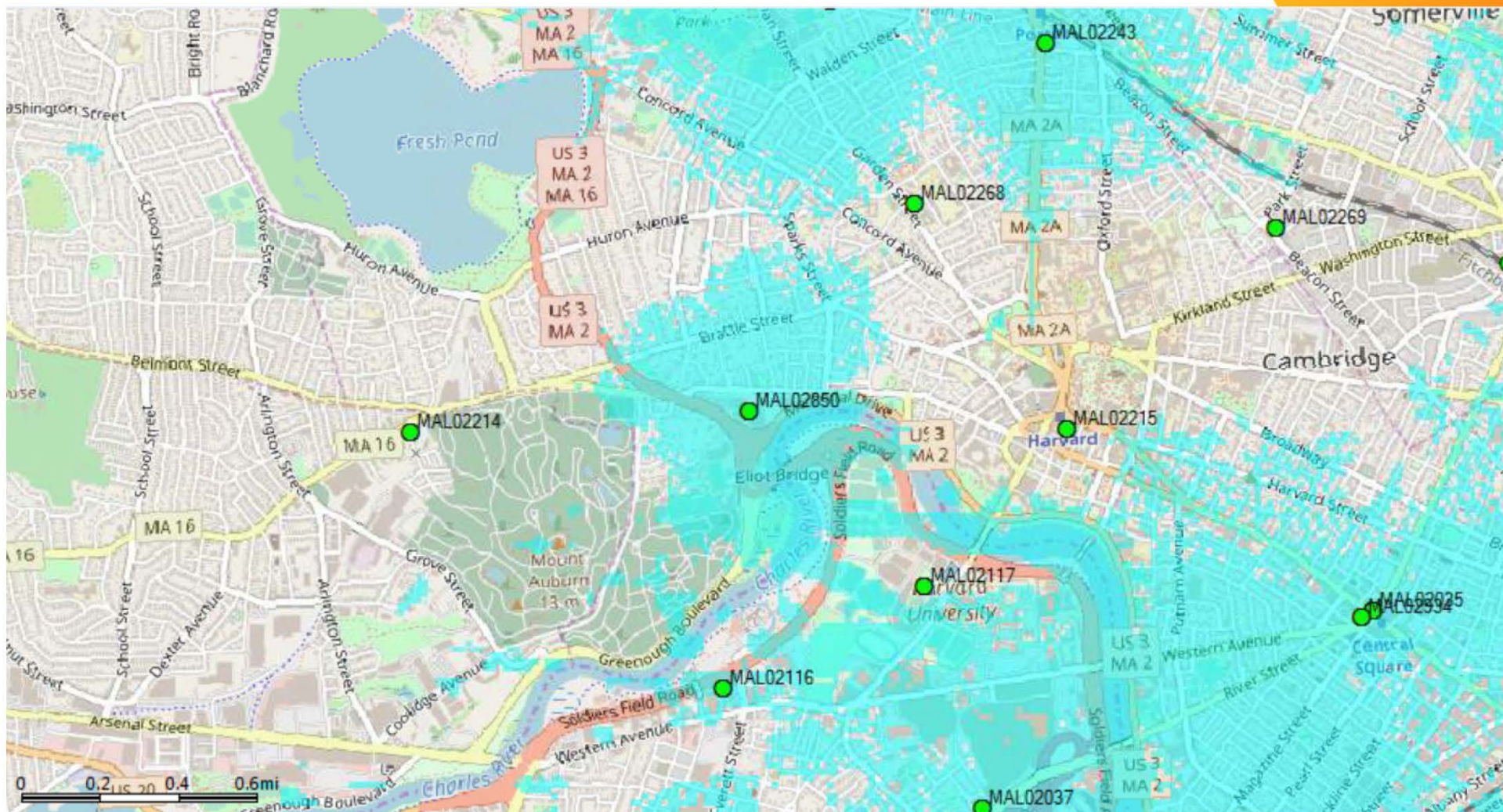
- Zoning Plots



Current LTE AWS Band Coverage



Proposed New LTE AWS Band Coverage



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the solutions are endless

Structural Analysis Report

March 1, 2018

Site Name	MAL02850
FA #	10546806
Infinigy Job Number	499-006
Client	Smartlink
Proposed Carrier	AT&T
PACE #:	MRCTB024923; MRCTB024939; MRCTB025017
PTN #:	2101A0C4DX; 2101A0C4D9; 2101A0C3VH
Site Location	330 Mount Auburn Street, Cambridge, MA 02138 42° 22' 27.8400" N NAD83 71° 8' 3.0984" W NAD83
Structure Type	Rooftop – Pipe Mount
Structural Usage Ratio	26.5%
Overall Result	Pass

Upon reviewing the results of this analysis, it is our opinion that the structure meets the specified TIA and ASCE code requirements. The antenna pipe mount and anchors are therefore deemed adequate to support the existing and proposed loading as listed in this report.



Edilberto Barrera, E.I.T.
Structural Engineer

AZ CA CO FL GA IL MD NC NH NJ NY TN TX WA

INFINIGY®

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Introduction.....	3
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Final Loading Configuration.....	6
Structure Usages.....	7
Anchor Reactions.....	7
Assumptions and Limitations.....	8
Calculations.....	Appended

Introduction

Infinigy Engineering has been requested to perform a structural analysis on the existing antenna supporting structures. All supporting documents have been obtained from the client and are assumed to be accurate and applicable to this site. The antenna mounts were analyzed using RISA 3D v. 16.0.1 software.

Supporting Documentation

Proposed Loading	AT&T RFDS, dated January 10, 2015
Construction Drawings	Construction Drawings by Infinigy Engineering, dated December 1, 2017

Analysis Code Requirements

Wind Speed	99 mph (3-Second Gust, V_{asd}) / 128 mph (3-Second Gust, V_{ult})
Wind Speed w/ ice	40mph (3-Second Gust) w/ 3/4" ice
TIA Revision	ANSI/TIA-222-G
Adopted IBC	2015 IBC / 2017 Massachusetts State Building Code, 9 th Ed.
Structure Class	II
Exposure Category	B
Topographic Category	1
Calculated Crest Height	0 ft.

Conclusion

Upon reviewing the results of this analysis, it is our opinion that the structure meets the specified TIA and ASCE code requirements. The antenna pipe mount and anchors are therefore deemed adequate to support the existing and proposed loading as listed in this report.

If you have any questions, require additional information, or actual conditions differ from those as detailed in this report please contact me via the information below:

Edilberto Barrera, E.I.T.
 Structural Engineer I | Infinigy Engineering, PLLC
 2500 West Higgins Road, Suite 500, Hoffman Estates, IL 60169
 (O) (847) 648-4068 | (M) (224) 213-3819
ebarrera@infinigy.com | www.infinigy.com

Existing & Reserved Loading

Rad Center (ft)	Qty.	Appurtenance	Mount Type	Sector	
99.0	4	Andrew SBNHH-1D65A	Pipe Mount	Alpha	
	3	Ericsson RRUS 11			
	2	Ericsson RRUS 12			
	1	DC/Fiber Squid			
	4	Andrew SBNHH-1D65A		Beta	
	3	Ericsson RRUS 11			
	2	Ericsson RRUS 12			
	1	DC/Fiber Squid			
	4	Andrew SBNHH-1D65A			Gamma
	3	Ericsson RRUS 11			
	2	Ericsson RRUS 12			
	1	DC/Fiber Squid			

Proposed Loading

Rad Center (ft)	Qty.	Appurtenance	Mount Type	Sector
99.0	1	Kathrein 800-10964	Pipe Mount	Alpha
	1	Ericsson RRUS B14 4478		
	1	Ericsson RRUS 32 B66		
	1	Ericsson RRUS 32		
	1	DC/Fiber Squid		
	1	Kathrein 800-10964		Beta
	1	Ericsson RRUS 32		
	1	Ericsson RRUS B14 4478		
	1	Ericsson RRUS 32 B66		
	1	DC/Fiber Squid		
	1	Kathrein 800-10964		Gamma
	1	Ericsson RRUS 32		
	1	Ericsson RRUS B14 4478		
	1	Ericsson RRUS 32 B66		
	1	DC/Fiber Squid		

To Be Removed Loading

Rad Center (ft)	Qty.	Appurtenance	Mount Type	Sector
99.0	1	Andrew SBNHH-1D65A	--	Alpha
	1	Andrew SBNHH-1D65A		Beta
	1	Andrew SBNHH-1D65A		Gamma

Final Loading Configuration

Rad Center (ft)	Qty.	Appurtenance	Mount Type	Sector
99.0	3	Andrew SBNHH-1D65A	Pipe Mount	Alpha
	1	Kathrein 800-10964		
	3	Ericsson RRUS 11		
	2	Ericsson RRUS 12		
	1	Ericsson RRUS B14 4478		
	1	Ericsson RRUS 32 B66		
	1	Ericsson RRUS 32		
	2	DC/Fiber Squid		
	3	Andrew SBNHH-1D65A		Beta
	1	Kathrein 800-10964		
	3	Ericsson RRUS 11		
	2	Ericsson RRUS 12		
	1	Ericsson RRUS B14 4478		
	1	Ericsson RRUS 32 B66		
	1	Ericsson RRUS 32		
	2	DC/Fiber Squid		
	3	Andrew SBNHH-1D65A		Gamma
	1	Kathrein 800-10964		
	3	Ericsson RRUS 11		
	2	Ericsson RRUS 12		
	1	Ericsson RRUS B14 4478		
	1	Ericsson RRUS 32 B66		
	1	Ericsson RRUS 32		
	2	DC/Fiber Squid		

Structure Usages

Pipe Mount 6.7% Pass

RATING= 6.7% PASS**Mount Connection Reactions**

Anchor Rods			
Reaction Data	Design Reactions	Analysis Reactions	Result
Shear (lb.)	540.0	143.0	26.5%
Axial (kip)	3.5	0.15	4.3%

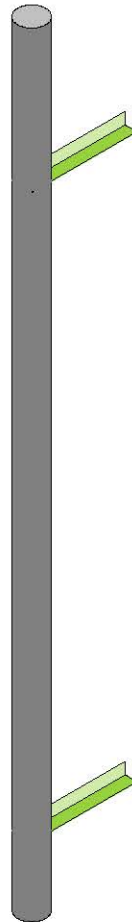
*Based on (2) 3/8" Dia. Hilti HIT HY-20 anchor rods per connection

Assumptions and Limitations

Our structural calculations are completed assuming all information provided to Infinigy Engineering is accurate and applicable to this site. For the purposes of calculations, we assume an overall structure condition of “like new” and all members, connections, anchors, and masonry to be free of corrosion and/or structural defects. The structure owner and/or contractor shall verify the structure’s condition prior to installation of any proposed equipment. If actual conditions differ from those described in this report Infinigy Engineering should be notified immediately to complete a revised evaluation.

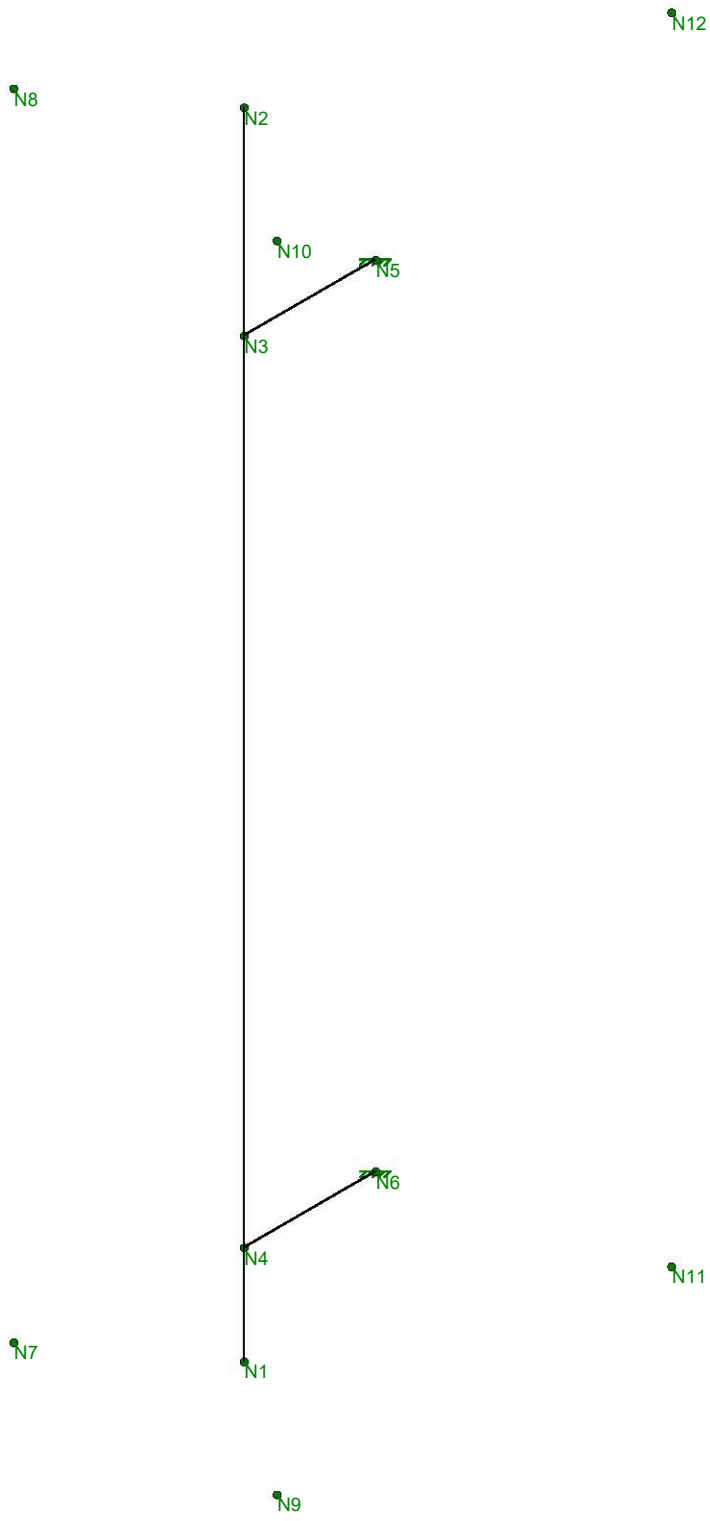
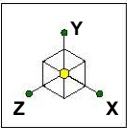
Our evaluation is completed using standard TIA, AISC, ACI, and ASCE methods and procedures. Our structural results are proprietary and should not be used by others as their own. Infinigy Engineering is not responsible for decisions made by others that are or are not based on our supplied assumptions and conclusions.

This report is an evaluation of the rooftop mounted equipment and/or antenna supporting structures to be proposed or modified as shown in the referenced construction drawings. Applicable building element adequacy to support these structures is also evaluated when the applied forces increase significantly based on engineering judgment.



Envelope Only Solution

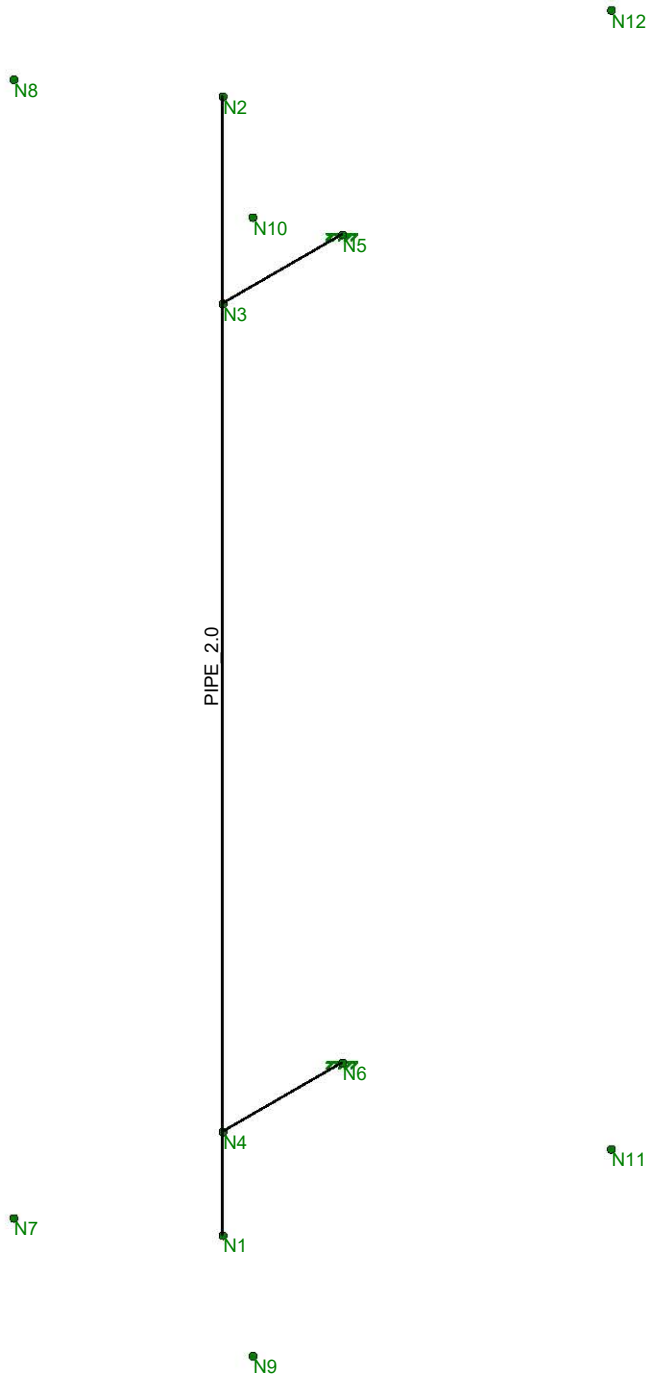
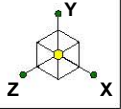
Infinigy Engineering PLLC	MAL02850	Existing Configuration
EB		Dec 8, 2017 at 10:20 AM
499-006		MAL02850.r3d



Infinigy Engineering PLLC
EB
499-006

MAL02850

Wireframe
Jan 29, 2018 at 10:12 AM
MAL02850.r3d



Infinigy Engineering PLLC

EB

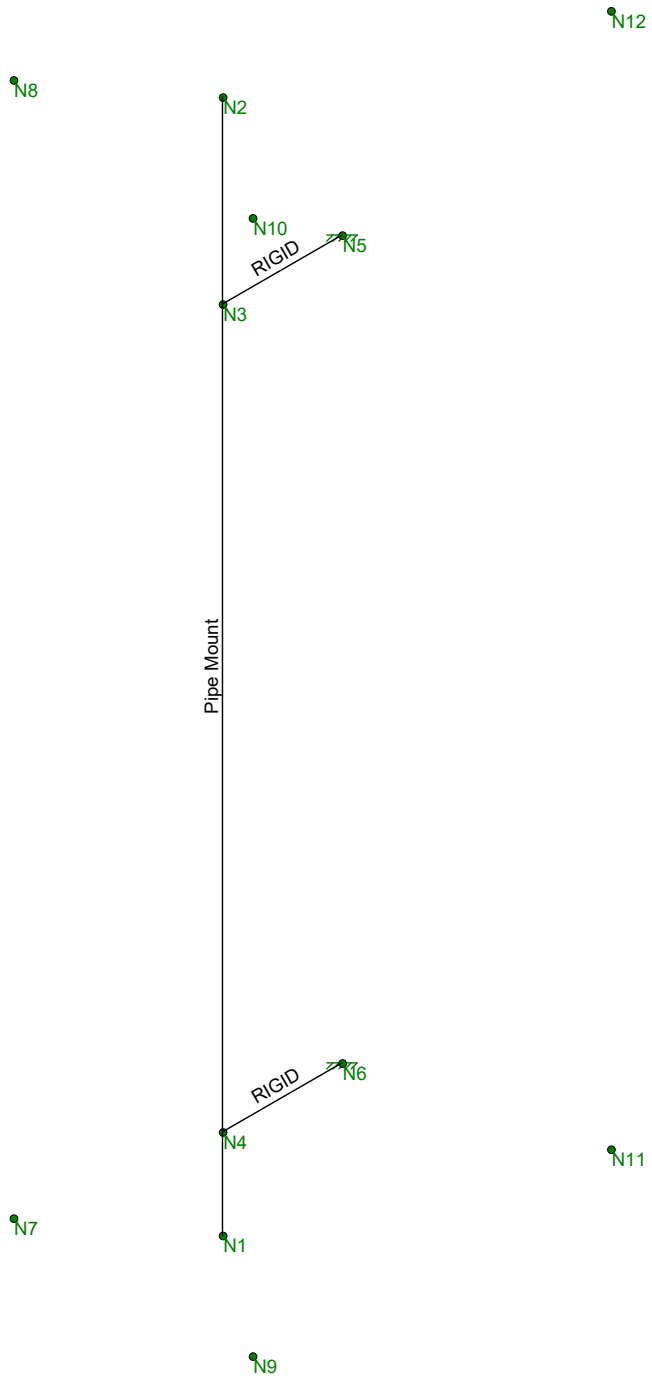
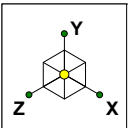
499-006

MAL02850

Member Shapes

Jan 29, 2018 at 10:12 AM

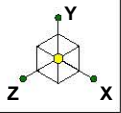
MAL02850.r3d



Infinigy Engineering PLLC
EB
499-006

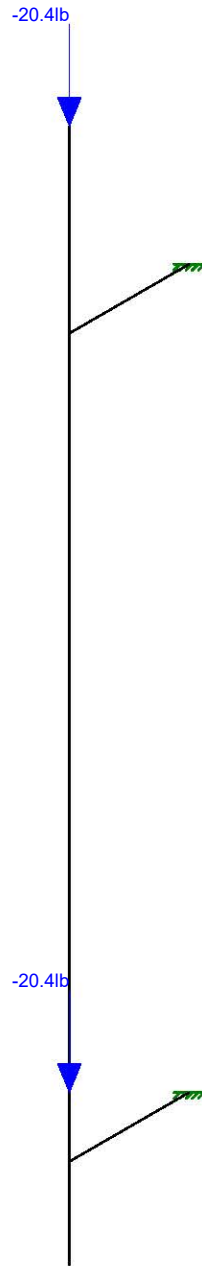
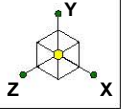
MAL02850

Section Set
Jan 29, 2018 at 10:22 AM
MAL02850.r3d



Member Length (in) Displayed

Infinigy Engineering PLLC	MAL02850	Member Lengths
EB		Jan 29, 2018 at 10:23 AM
499-006		MAL02850.r3d



Loads: BLC 1, Self Weight

Infinigy Engineering PLLC

EB

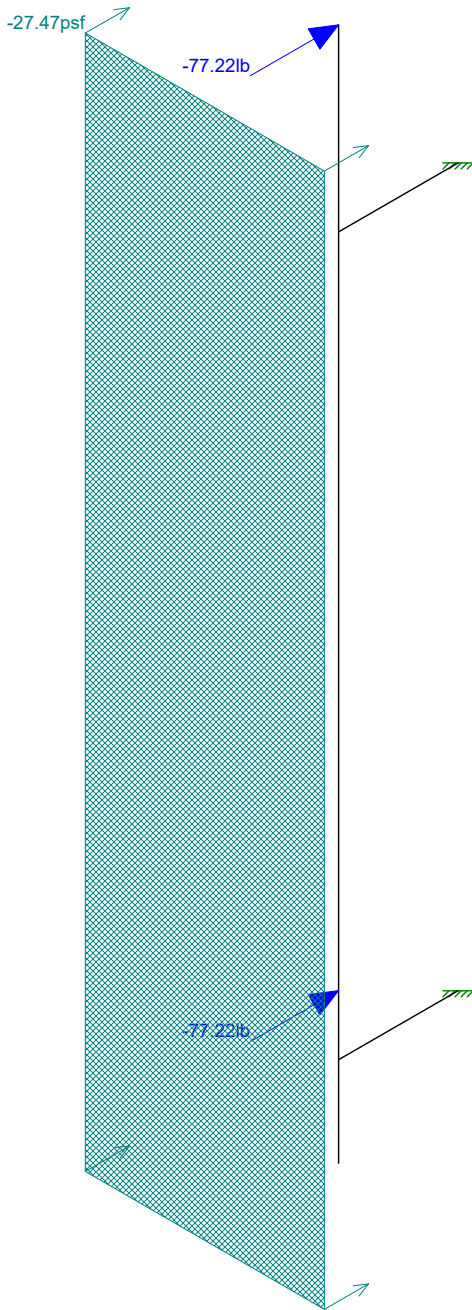
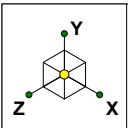
499-006

MAL02850

Dead Load

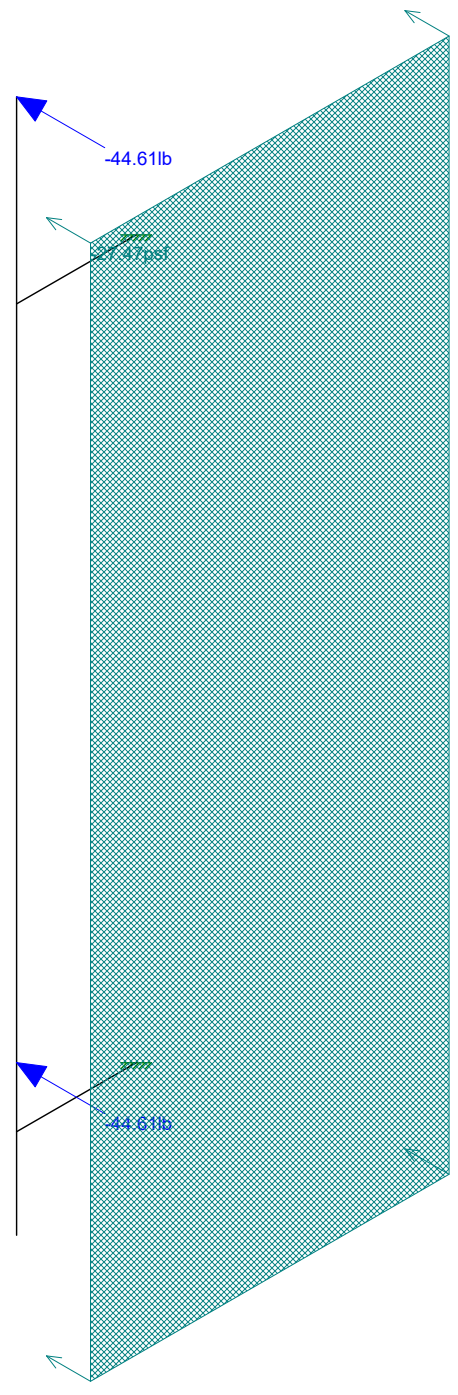
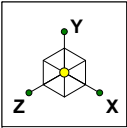
Jan 29, 2018 at 10:23 AM

MAL02850.r3d



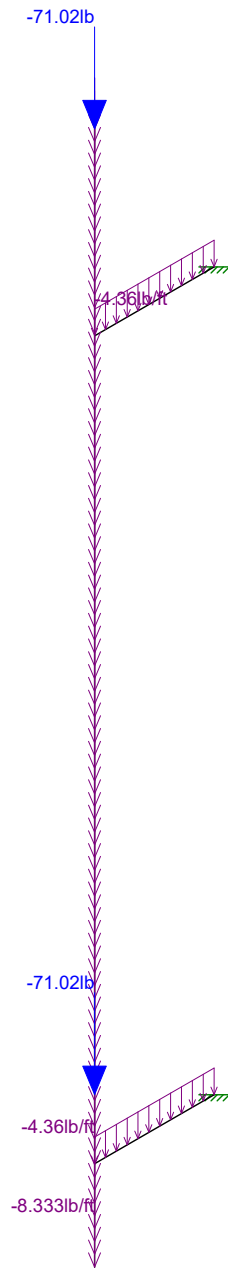
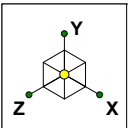
Loads: BLC 2, Wind Load AZI 000

Infinigy Engineering PLLC	MAL02850	Wind Load
EB		Jan 29, 2018 at 10:24 AM
499-006		MAL02850.r3d



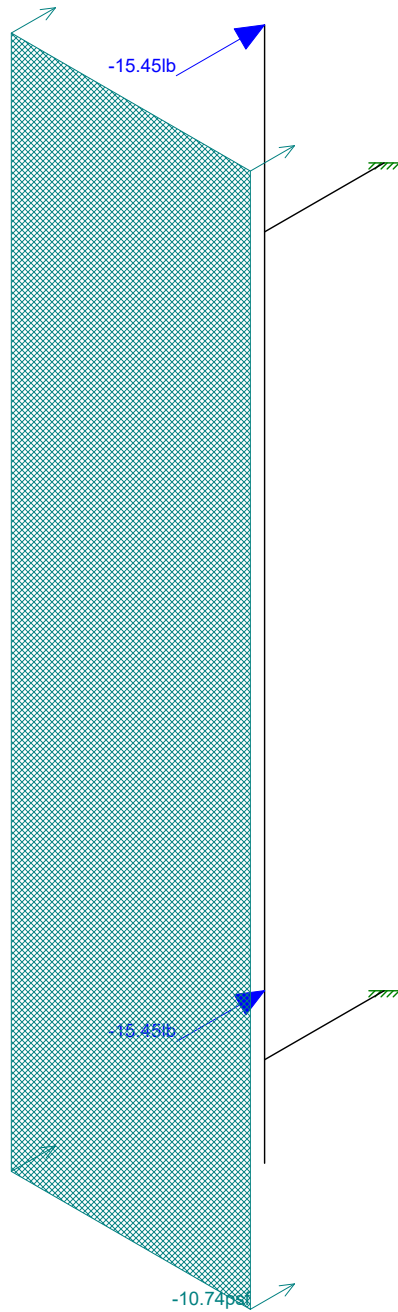
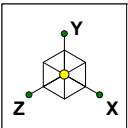
Loads: BLC 3, Wind Load AZI 090

Infinigy Engineering PLLC	MAL02850	Wind Load 90
EB		Jan 29, 2018 at 10:24 AM
499-006		MAL02850.r3d



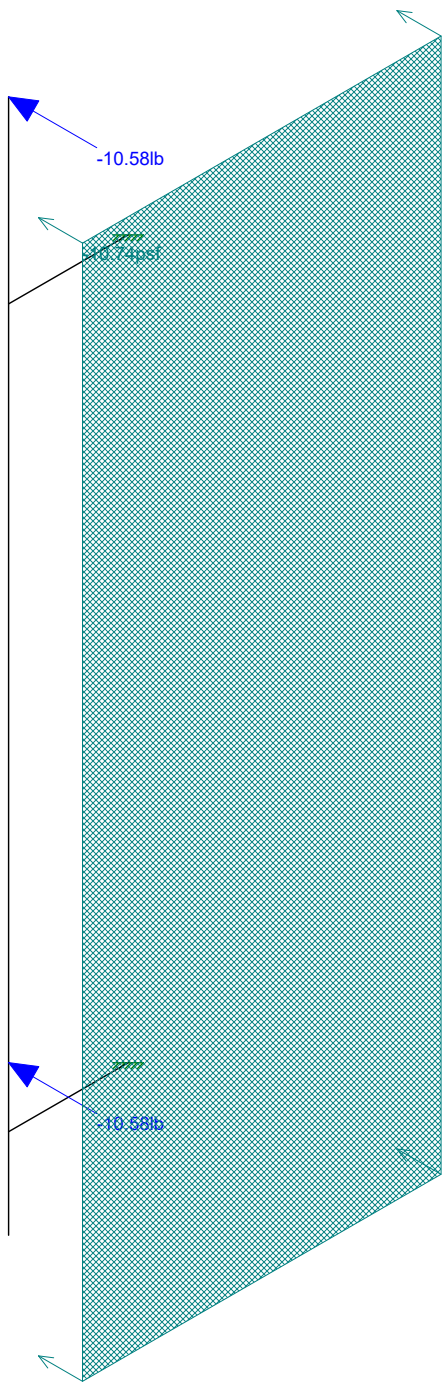
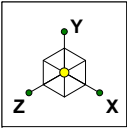
Loads: BLC 4, Ice Weight

Infinigy Engineering PLLC	MAL02850	Ice Weight
EB		Jan 29, 2018 at 10:24 AM
499-006		MAL02850.r3d



Loads: BLC 5, Wind + Ice Load AZI 000

Infinigy Engineering PLLC	MAL02850	Wind + Ice
EB		Jan 29, 2018 at 10:25 AM
499-006		MAL02850.r3d



Loads: BLC 6, Wind + Ice Load AZI 090

Infinigy Engineering PLLC	MAL02850	Wind + Ice 90
EB		Jan 29, 2018 at 10:25 AM
499-006		MAL02850.r3d

INFINIGY 8

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Ræ ÁGJÉGEFI
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AT&T Radio Frequency Safety Survey Report Prediction (RFSSRP)

Site Name: Cambridge Mt Auburn Hospital
FA#: 10546806
USID: 121719
Site ID: MAL02850
Address: 330 Mount Auburn Street
Cambridge, Massachusetts 02138
County: Middlesex
Latitude: 42.374400
Longitude: -71.134194

M-RFSC Name: Rahimuddin Mohammed
Site Structure Type: Rooftop
PACE#: MRCTB024923/ MRCTB024939/
MRCTB025017
Prepared For: AT&T Mobility, LLC
c/o Smartlink, LLC
85 Rangeway Road, Suite 102, Building 3
Suite 210
North Billerica, Massachusetts



Report Information:

Report Writer: Adam Piombino
Report Date: April 25, 2018

CDs: 10546806_AE201_180316_MAL02850_REVI
RFDS: NEW-ENGLAND_BOSTON_MAL02850_2018-LTE-Next-Carrier_LTE_rx855w

Compliance Statement:

AT&T Mobility Compliance Statement: Based on the information collected, AT&T Mobility will be Compliant with FCC Rules and Regulations at the nearest walking surface if recommendations in the Compliance Summary are implemented.



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I.0 EXECUTIVE SUMMARY

EnviroBusiness Inc. (dba EBI Consulting) has been contracted by AT&T Mobility, LLC to conduct radio frequency electromagnetic (RF-EME) modeling for AT&T Site MAL02850 located at 330 Mount Auburn Street in Cambridge, Massachusetts to determine RF-EME exposure levels from proposed AT&T wireless communications equipment at this site. As described in greater detail in Appendix A of this report, the Federal Communications Commission (FCC) has developed Maximum Permissible Exposure (MPE) Limits for general public exposures and occupational exposures. This report summarizes the results of RF-EME modeling in relation to relevant FCC RF-EME compliance standards for limiting human exposure to RF-EME fields.

This document addresses the compliance of AT&T's transmitting facilities independently and in relation to all collocated facilities at the site.

I.1 SITE SUMMARY

Recommended Mitigation at the Site:

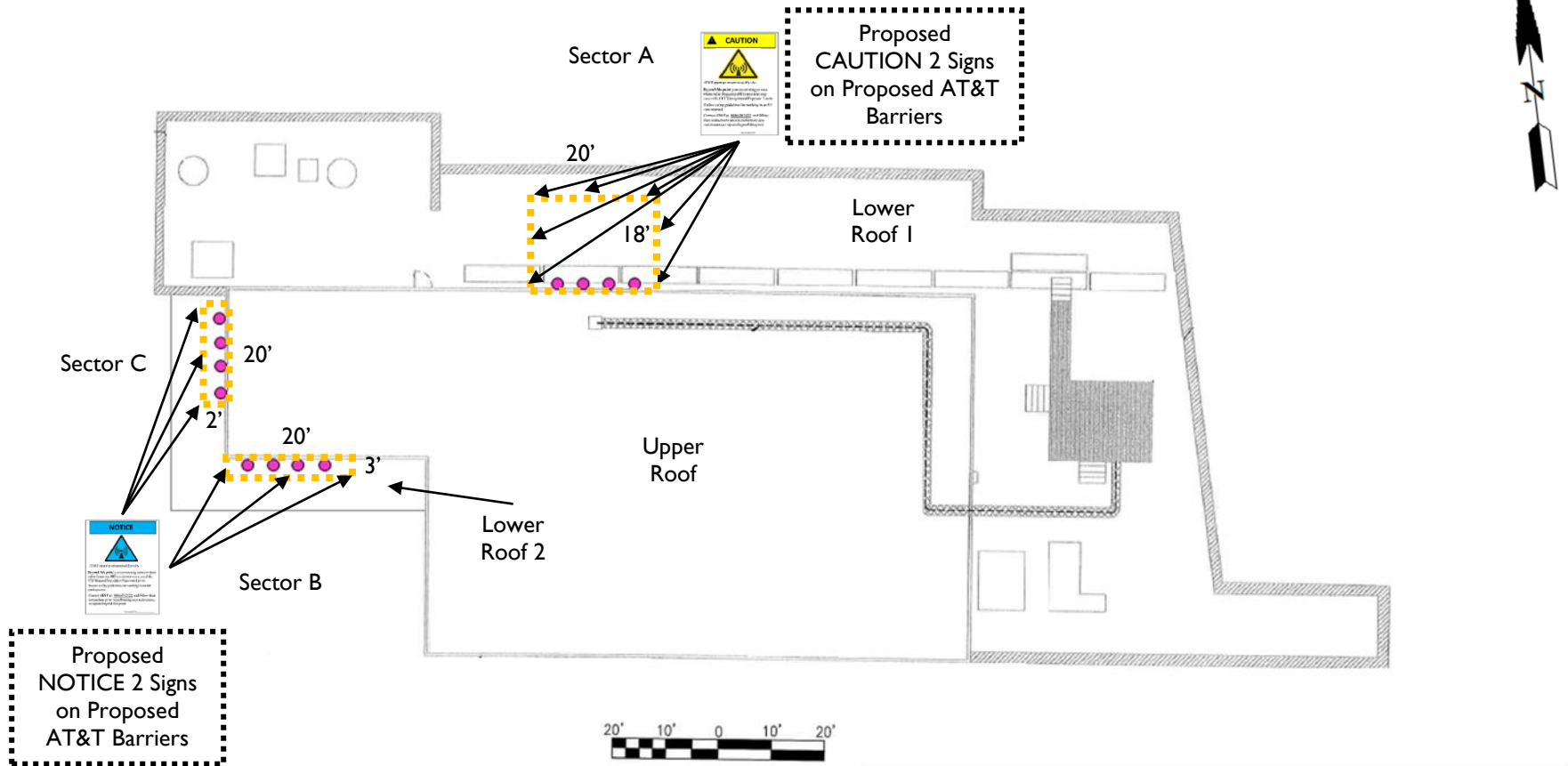
- Access Point(s):
 - To reduce the risk of exposure and/or injury, EBI recommends that access to the rooftop or areas associated with the active antenna installation be restricted and secured where possible.
- Signage at AT&T Mobility Sectors:
 - A: Yellow CAUTION 2 signs posted every 8 feet on the barrier near the antennas.
 - B: Blue NOTICE 2 signs posted every 8 feet on the barrier near the antennas.
 - C: Blue NOTICE 2 signs posted every 8 feet on the barrier near the antennas.
- Barriers at AT&T Mobility Sectors:
 - A: 18' X 20' barrier in front of the antennas. Barriers are only recommended for installation up to 6 feet from the edge of the rooftop because the accessible areas of concern are within 6 feet of an area with no guard rail or parapet greater than 36 inches high.
 - B: 3' X 20' barrier in front of the antennas. Barriers are only recommended for installation up to 6 feet from the edge of the rooftop because the accessible areas of concern are within 6 feet of an area with no guard rail or parapet greater than 36 inches high.
 - C: 2' X 20' barrier in front of the antennas. Barriers are only recommended for installation up to 6 feet from the edge of the rooftop because the accessible areas of concern are within 6 feet of an area with no guard rail or parapet greater than 36 inches high.

Predictive Modeling Results:

The maximum predictive power density generated by the antennas is approximately 2,695.40 percent of the FCC's general public limit (539.08 percent of the FCC's occupational limit) at the lower roof level.

At ground level, the maximum predictive power density generated by the antennas is approximately 4.3 percent of the FCC's general public limit (0.86 percent of the FCC's occupational limit).











2.0 SITE SCALE MAP



Proposed
 NOTICE 2 Signs
 on Proposed
 AT&T Barriers

Proposed
 CAUTION 2 Signs
 on Proposed AT&T
 Barriers

-  AT&T Antennas
-  Proposed Hard Barrier

Sign Identification Legend			
	Denotes AT&T Information Sign 1		Denotes AT&T NOTICE Sign
	Denotes AT&T Information Sign 2		Denotes AT&T CAUTION Sign
	Denotes AT&T Information Sign 3		Denotes AT&T CAUTION Tower Sign
	Denotes AT&T Information Sign 4		Denotes AT&T WARNING Sign
	Denotes AT&T CAUTION Sign 2		Denotes AT&T NOTICE Sign 2

3.0 ANTENNA INVENTORY

Antenna #	Operator	Antenna Type	TX Freq (MHz)	# of TX	ERP (Watts)	Gain (dBd)	Antenna Model	Azimuth (deg.)	Length (feet)	Horizontal Beamwidth (Degrees)	X	Y	Z (lower roof levels)	Z (Ground)
ATT A1	AT&T	Panel	UMTS 850	1	410.11	10.95	Andrew SBNHH-ID65A	20	4.6	61	105	95	4.7	96.7
ATT A2	AT&T	Panel	LTE 2300	1	1285.29	15.05	Andrew SBNHH-ID65A	20	4.6	61	109	95	4.7	96.7
ATT A3	AT&T	Panel	LTE 700	1	2951.41	11.45	Kathrein 80010964	20	4.9	64.6	114	95	4.5	96.5
ATT A3	AT&T	Panel	LTE 2100	1	3837.07	15.35	Kathrein 80010964	20	4.9	60.3	114	95	4.5	96.5
ATT A4	AT&T	Panel	LTE 700	1	1475.71	10.95	Andrew SBNHH-ID65A	20	4.6	66	119	95	4.7	96.7
ATT A4	AT&T	Panel	LTE 1900	1	3664.38	14.35	Andrew SBNHH-ID65A	20	4.6	65	119	95	4.7	96.7
ATT B1	AT&T	Panel	UMTS 850	1	410.11	10.95	Andrew SBNHH-ID65A	190	4.6	61	61	61	19.7	96.7
ATT B2	AT&T	Panel	LTE 2300	1	1285.29	15.05	Andrew SBNHH-ID65A	190	4.6	61	56	61	19.7	96.7
ATT B3	AT&T	Panel	LTE 700	1	2951.41	11.45	Kathrein 80010964	190	4.9	64.6	52	61	19.5	96.5
ATT B3	AT&T	Panel	LTE 2100	1	3837.07	15.35	Kathrein 80010964	190	4.9	60.3	52	61	19.5	96.5
ATT B4	AT&T	Panel	LTE 700	1	1475.71	10.95	Andrew SBNHH-ID65A	190	4.6	66	48	61	19.7	96.7
ATT B4	AT&T	Panel	LTE 1900	1	3664.38	14.35	Andrew SBNHH-ID65A	190	4.6	65	48	61	19.7	96.7

Antenna #	Operator	Antenna Type	TX Freq (MHz)	# of TX	ERP (Watts)	Gain (dBd)	Antenna Model	Azimuth (deg.)	Length (feet)	Horizontal Beamwidth (Degrees)	X	Y	Z (lower roof levels)	Z (Ground)
ATT C1	AT&T	Panel	UMTS 850	1	410.11	10.95	Andrew SBNHH-ID65A	300	4.6	61	41	75	19.7	96.7
ATT C2	AT&T	Panel	LTE 2300	1	1285.29	15.05	Andrew SBNHH-ID65A	300	4.6	61	41	80	19.7	96.7
ATT C3	AT&T	Panel	LTE 700	1	2951.41	11.45	Kathrein 80010964	300	4.9	64.6	41	84	19.5	96.5
ATT C3	AT&T	Panel	LTE 2100	1	3837.07	15.35	Kathrein 80010964	300	4.9	60.3	41	84	19.5	96.5
ATT C4	AT&T	Panel	LTE 700	1	1475.71	10.95	Andrew SBNHH-ID65A	300	4.6	66	41	89	19.7	96.7
ATT C4	AT&T	Panel	LTE 1900	1	3664.38	14.35	Andrew SBNHH-ID65A	300	4.6	65	41	89	19.7	96.7

• Note there are only 4 AT&T antennas per sector at this site. For clarity, the different frequencies for each antenna are entered on separate lines.

4.0 WORST-CASE PREDICTIVE MODELING

In accordance with AT&T's RF Exposure policy, EBI performed theoretical modeling using RoofView® software to estimate the worst-case power density at the site rooftop-levels resulting from operation of the antennas.

For this report, EBI utilized antenna and power data provided by AT&T and compared the resultant worst-case MPE levels to the FCC's occupational/controlled exposure limits outlined in OET Bulletin 65.

The assumptions used in the modeling are based upon information provided by AT&T and information gathered from other sources. There are no other wireless carriers with equipment installed at this site.

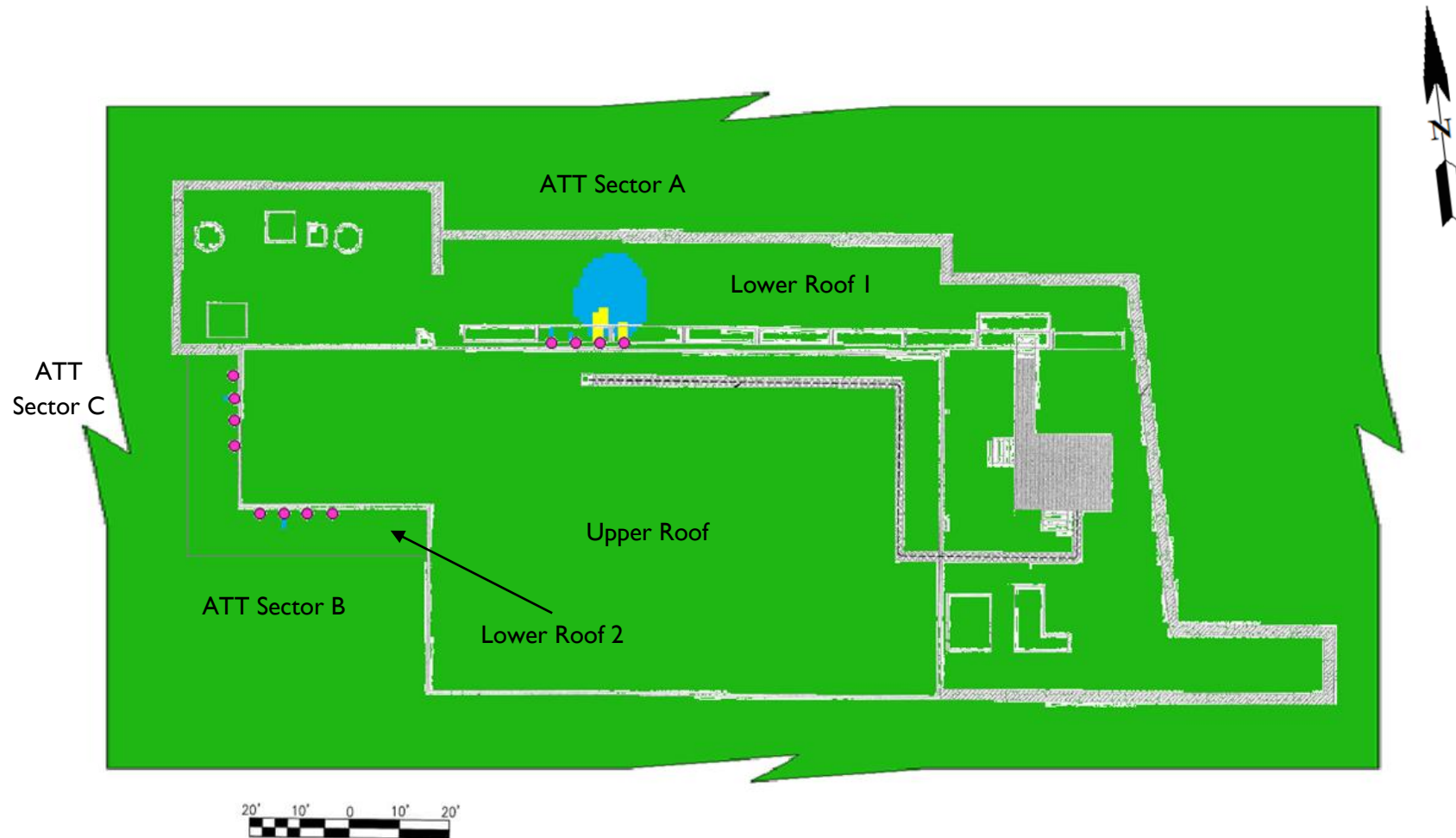
Per AT&T's corporate policy, the FCC's general population limits are applicable to all rooftop sites, regardless of the level of access control. Based on worst-case predictive modeling, the worst-case emitted power density may exceed the FCC's general public limit within approximately 18 feet of AT&T's Sector A antennas on the lower roof 1 level, 2 feet of the Sector B antennas, and 1 foot of the Sector C antennas on the lower roof 2 level. Modeling also indicates that the worst-case emitted power density may exceed the FCC's occupational limit within approximately 7 feet of AT&T's Sector A antennas on the lower roof 1 level. Additionally, there are areas where elevated workers may be exposed to power densities greater than the occupational limits. The worst-case emitted power density may exceed the FCC's occupational limit within approximately 15 feet of AT&T's proposed antennas at the antenna face level. Workers and the general public should be informed about the presence and locations of antennas and their associated fields.

At the nearest walking/working surfaces to the AT&T antennas on the rooftop, the maximum power density generated by the AT&T antennas is approximately 2,695.40 percent of the FCC's general public limit (539.08 percent of the FCC's occupational limit). The composite exposure level from all carriers on this site is approximately 2,695.40 percent of the FCC's general public limit (539.08 percent of the FCC's occupational limit) at the nearest walking/working surface to each antenna. Based on worst-case predictive modeling, there are no areas at ground/street level related to the proposed AT&T antennas that exceed the FCC's occupational or general public exposure limits at this site. At ground/street level, the maximum power density generated by the antennas is approximately 4.3 percent of the FCC's general public limit (0.86 percent of the FCC's occupational limit).

It should be noted that RoofView® is not suitable for modeling microwave dish antennas; however, these units are designed for point-to-point operations at the elevations of the installed equipment rather than ground-level coverage. Based on AT&T's RF Exposure: Responsibilities, Procedures & Guidelines document, dated October 28, 2014, microwave antennas are considered compliant if they are higher than 20 feet above any accessible walking/working surface. There are no microwaves installed at this site.

Lower Roof Levels 1 and 2 Simulation

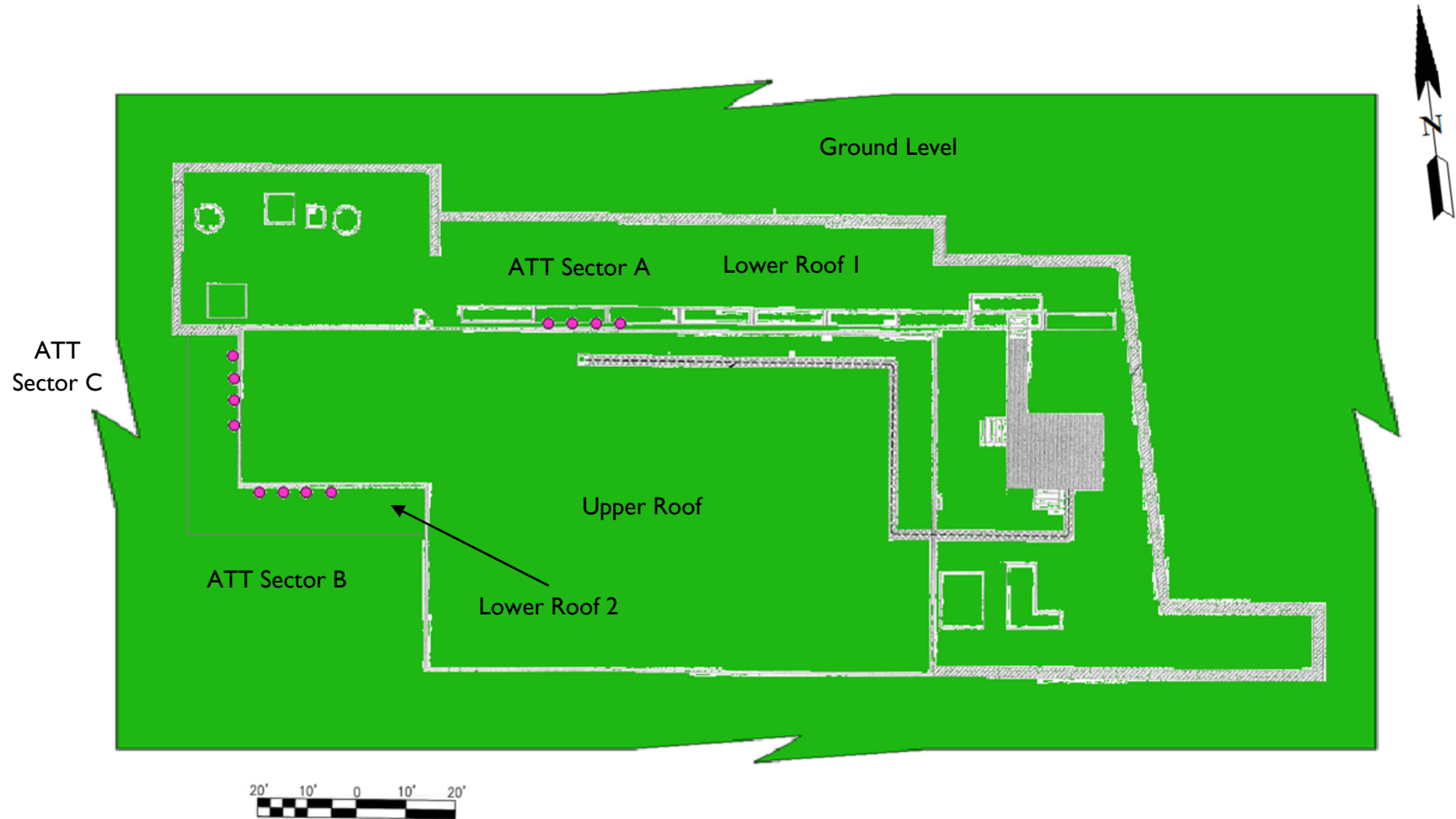
● AT&T Antennas



% FCC Public Exposure Limit	
Red	Exposure Level \geq 5,000
Yellow	$500 <$ Exposure Level \leq 5,000
Blue	$100 <$ Exposure Level \leq 500
Green	Exposure Level \leq 100

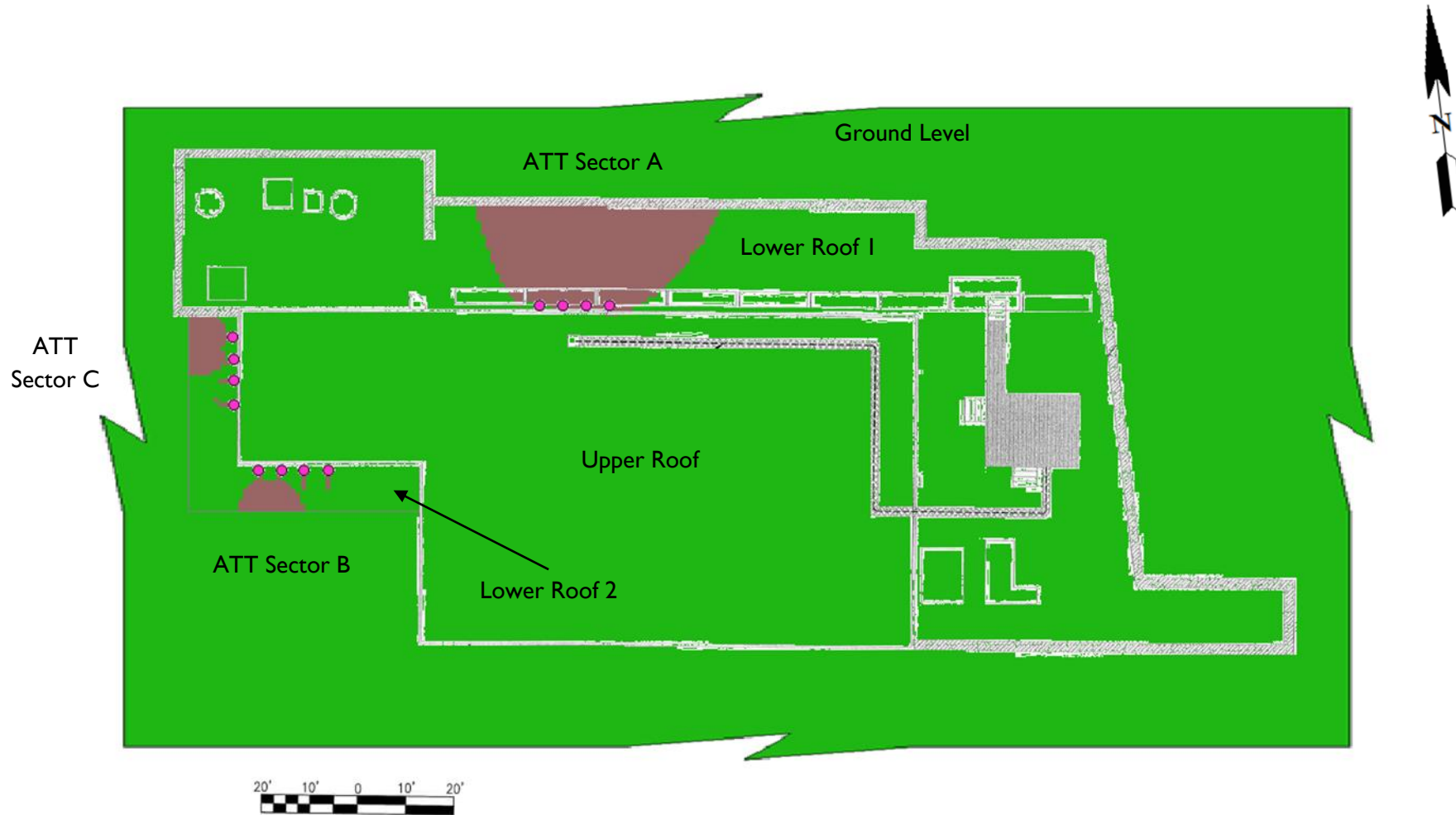
Ground Level Simulation



● AT&T Antennas



% FCC Public Exposure Limit	
Red	Exposure Level $\geq 5,000$
Yellow	$500 < \text{Exposure Level} \leq 5,000$
Blue	$100 < \text{Exposure Level} \leq 500$
Green	Exposure Level ≤ 100

● AT&T Antennas



% FCC Public Exposure Limit	
	Exposure Level > 5
	Exposure Level ≤ 5

Note that the areas shown in brown are where AT&T antennas contribute more than 5% of the FCC's general exposure RF limit. These do not overlap any areas in front of other carrier antennas exceeding the FCC's general exposure RF limit because there are no other carriers as shown in Figure I. Under FCC regulations, AT&T is therefore not responsible for any predicted exceedances of another carrier's antennas.

5.0 ROOFVIEW® EXPORT FILE

StartMapDefinition																					
Roof Max	Roof Max	Map Max	Map Max	Y Offset	X Offset	Number o envelope															
200	200	200	200	0	0	1	\$K\$21:\$HE	\$K\$21:\$HB\$220													
StartSettingsData																					
Standard	Method	Uptime	Scale Fact	Low Thr	Low Color	Mid Thr	Mid Color	Hi Thr	Hi Color	Over Colo	Ap Ht Mul	Ap Ht Method									
4	2	1	1	100	1	500	4	5000	2	3	1.5	1									
StartAntennaData																					
It is advisable to provide an ID (ant 1) for all antennas																					
ID	Name	Freq	Trans Power	Trans Count	Coax Len	Coax Type	Other Loss	Input Power	Calc Power	Mfg	Model	X (ft)	Y (ft)	Z (ft)	Type	Aper (ft)	dBd Gain	BWdth Pt Dir	Uptime Profile	ON flag	
ATT A1	UMTS	850	32.95341	1					32.95341	Andrew	SBNHH-1C	105	95	4.71		4.58	10.95	61;10		ON•	
ATT A2	LTE	2300	40.17908	1					40.17908	Andrew	SBNHH-1C	109	95	4.71		4.58	15.05	61;10		ON•	
ATT A3	LTE	700	211.3635	1					211.3635	Kathrein	80010964	114	95	4.54		4.92	11.45	64.6;10		ON•	
ATT A3	LTE	2100	111.9438	1					111.9438	Kathrein	80010964	114	95	4.54		4.92	15.35	60.3;10		ON•	
ATT A4	LTE	700	118.5769	1					118.5769	Andrew	SBNHH-1C	119	95	4.71		4.58	10.95	66;10		ON•	
ATT A4	LTE	1900	134.586	1					134.586	Andrew	SBNHH-1C	119	95	4.71		4.58	14.35	65;10		ON•	
ATT B1	UMTS	850	32.95341	1					32.95341	Andrew	SBNHH-1C	61	61	19.71		4.58	10.95	61;180		ON•	
ATT B2	LTE	2300	40.17908	1					40.17908	Andrew	SBNHH-1C	56	61	19.71		4.58	15.05	61;180		ON•	
ATT B3	LTE	700	211.3635	1					211.3635	Kathrein	80010964	52	61	19.54		4.92	11.45	64.6;180		ON•	
ATT B3	LTE	2100	111.9438	1					111.9438	Kathrein	80010964	52	61	19.54		4.92	15.35	60.3;180		ON•	
ATT B4	LTE	700	118.5769	1					118.5769	Andrew	SBNHH-1C	48	61	19.71		4.58	10.95	66;180		ON•	
ATT B4	LTE	1900	134.586	1					134.586	Andrew	SBNHH-1C	48	61	19.71		4.58	14.35	65;180		ON•	
ATT C1	UMTS	850	32.95341	1					32.95341	Andrew	SBNHH-1C	41	75	19.71		4.58	10.95	61;290		ON•	
ATT C2	LTE	2300	40.17908	1					40.17908	Andrew	SBNHH-1C	41	80	19.71		4.58	15.05	61;290		ON•	
ATT C3	LTE	700	211.3635	1					211.3635	Kathrein	80010964	41	84	19.54		4.92	11.45	64.6;290		ON•	
ATT C3	LTE	2100	111.9438	1					111.9438	Kathrein	80010964	41	84	19.54		4.92	15.35	60.3;290		ON•	
ATT C4	LTE	700	118.5769	1					118.5769	Andrew	SBNHH-1C	41	89	19.71		4.58	10.95	66;290		ON•	
ATT C4	LTE	1900	134.586	1					134.586	Andrew	SBNHH-1C	41	89	19.71		4.58	14.35	65;290		ON•	

It should be noted that Roofview® considers the modeled area to be relative to true north. The provided drawings presented the site layout at an orientation other than true north. As such, the azimuths used in the Roofview® modeling were adjusted to account for this modified orientation.

6.0 COMPLIANCE SUMMARY

Based on the information collected, AT&T Mobility will be Compliant with FCC Rules and Regulations at the nearest walking surface if recommendations in the Compliance Summary are implemented.

The following mitigation measures are recommended for this site.

- **Access Point(s):**

- To reduce the risk of exposure and/or injury, EBI recommends that access to the rooftop or areas associated with the active antenna installation be restricted and secured where possible.

- **AT&T Mobility Sectors:**

- **Sector A:**

- Yellow CAUTION 2 signs posted every 8 feet on the barrier near the antennas.
- 18' X 20' barrier in front of the antennas. Barriers are only recommended for installation up to 6 feet from the edge of the rooftop because the accessible areas of concern are within 6 feet of an area with no guard rail or parapet greater than 36 inches high.

- **Sector B:**

- Blue NOTICE 2 signs posted every 8 feet on the barrier near the antennas.
- 3' X 20' barrier in front of the antennas. Barriers are only recommended for installation up to 6 feet from the edge of the rooftop because the accessible areas of concern are within 6 feet of an area with no guard rail or parapet greater than 36 inches high.

- **Sector C:**

- Blue NOTICE 2 signs posted every 8 feet on the barrier near the antennas.
- 2' X 20' barrier in front of the antennas. Barriers are only recommended for installation up to 6 feet from the edge of the rooftop because the accessible areas of concern are within 6 feet of an area with no guard rail or parapet greater than 36 inches high.

7.0 APPENDICES

Appendix A: FEDERAL COMMUNICATIONS COMMISSION (FCC) REQUIREMENTS

The FCC has established Maximum Permissible Exposure (MPE) limits for human exposure to Radiofrequency Electromagnetic (RF-EME) energy fields, based on exposure limits recommended by the National Council on Radiation Protection and Measurements (NCRP) and, over a wide range of frequencies, the exposure limits developed by the Institute of Electrical and Electronics Engineers, Inc. (IEEE) and adopted by the American National Standards Institute (ANSI) to replace the 1982 ANSI guidelines. Limits for localized absorption are based on recommendations of both ANSI/IEEE and NCRP.

The FCC guidelines incorporate two separate tiers of exposure limits that are based upon occupational/controlled exposure limits (for workers) and general public/uncontrolled exposure limits for members of the general public.

Occupational/controlled exposure limits apply to situations in which persons are exposed as a consequence of their employment and in which those persons who are exposed have been made fully aware of the potential for exposure and can exercise control over their exposure. Occupational/controlled exposure limits also apply where exposure is of a transient nature as a result of incidental passage through a location where exposure levels may be above general public/uncontrolled limits (see below), as long as the exposed person has been made fully aware of the potential for exposure and can exercise control over his or her exposure by leaving the area or by some other appropriate means.

General public/uncontrolled exposure limits apply to situations in which the general public may be exposed or in which persons who are exposed as a consequence of their employment may not be made fully aware of the potential for exposure or cannot exercise control over their exposure. Therefore, members of the general public would always be considered under this category when exposure is not employment-related, for example, in the case of a telecommunications tower that exposes persons in a nearby residential area.

Table I and Figure I (below), which are included within the FCC's OET Bulletin 65, summarize the MPE limits for RF emissions. These limits are designed to provide a substantial margin of safety. They vary by frequency to take into account the different types of equipment that may be in operation at a particular facility and are "time-averaged" limits to reflect different durations resulting from controlled and uncontrolled exposures.

The FCC's MPEs are measured in terms of power (mW) over a unit surface area (cm²). Known as the power density, the FCC has established an occupational MPE of 5 milliwatts per square centimeter (mW/cm²) and an uncontrolled MPE of 1 mW/cm² for equipment operating in the 1900 MHz frequency range. For the AT&T equipment operating at 850 MHz, the FCC's occupational MPE is 2.83 mW/cm² and an uncontrolled MPE of 0.57 mW/cm². For the AT&T equipment operating at 700 MHz, the FCC's occupational MPE is 2.33 mW/cm² and an uncontrolled MPE of 0.47 mW/cm². These limits are considered protective of these populations.

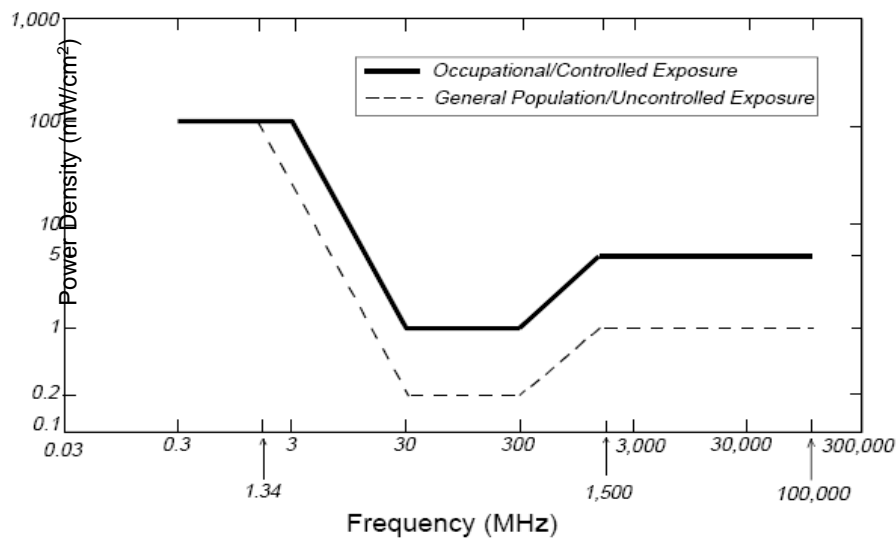
Table I: Limits for Maximum Permissible Exposure (MPE)				
(A) Limits for Occupational/Controlled Exposure				
Frequency Range (MHz)	Electric Field Strength (E) (V/m)	Magnetic Field Strength (H) (A/m)	Power Density (S) (mW/cm ²)	Averaging Time [E] ² , [H] ² , or S (minutes)
0.3-3.0	614	1.63	(100)*	6
3.0-30	1842/f	4.89/f	(900/f ²)*	6
30-300	61.4	0.163	1.0	6
300-1,500	--	--	f/300	6

Table 1: Limits for Maximum Permissible Exposure (MPE)				
(A) Limits for Occupational/Controlled Exposure				
Frequency Range (MHz)	Electric Field Strength (E) (V/m)	Magnetic Field Strength (H) (A/m)	Power Density (S) (mW/cm ²)	Averaging Time [E] ² , [H] ² , or S (minutes)
1,500-100,000	--	--	5	6
(B) Limits for General Public/Uncontrolled Exposure				
Frequency Range (MHz)	Electric Field Strength (E) (V/m)	Magnetic Field Strength (H) (A/m)	Power Density (S) (mW/cm ²)	Averaging Time [E] ² , [H] ² , or S (minutes)
0.3-1.34	614	1.63	(100)*	30
1.34-30	824/f	2.19/f	(180/f ²)*	30
30-300	27.5	0.073	0.2	30
300-1,500	--	--	f/1,500	30
1,500-100,000	--	--	1.0	30

f = Frequency in (MHz)

* Plane-wave equivalent power density

Figure 1. FCC Limits for Maximum Permissible Exposure (MPE)
 Plane-wave Equivalent Power Density



Based on the above, the most restrictive thresholds for exposures of unlimited duration to RF energy for several personal wireless services are summarized below:

Personal Wireless Service	Approximate Frequency	Occupational MPE	Public MPE
Personal Communication (PCS)	1,950 MHz	5.00 mW/cm ²	1.00 mW/cm ²
Cellular Telephone	870 MHz	2.90 mW/cm ²	0.58 mW/cm ²
Specialized Mobile Radio	855 MHz	2.85 mW/cm ²	0.57 mW/cm ²
Long Term Evolution (LTE)	700 MHz	2.33 mW/cm ²	0.47 mW/cm ²
Most Restrictive Freq. Range	30-300 MHz	1.00 mW/cm ²	0.20 mW/cm ²

MPE limits are designed to provide a substantial margin of safety. These limits apply for continuous exposures and are intended to provide a prudent margin of safety for all persons, regardless of age, gender, size, or health.

Personal Communication (PCS) facilities used by AT&T in this area operate within a frequency range of 700-1900 MHz. Facilities typically consist of: 1) electronic transceivers (the radios or cabinets) connected to wired telephone lines; and 2) antennas that send the wireless signals created by the transceivers to be received by individual subscriber units (PCS telephones). Transceivers are typically connected to antennas by coaxial cables.

Because of the short wavelength of PCS services, the antennas require line-of-site paths for good propagation, and are typically installed above ground level. Antennas are constructed to concentrate energy towards the horizon, with as little energy as possible scattered towards the ground or the sky. This design, combined with the low power of PCS facilities, generally results in no possibility for exposure to approach Maximum Permissible Exposure (MPE) levels, with the exception of areas directly in front of the antennas.

Appendix B: AT&T RF EXPOSURE POLICY REQUIREMENTS

AT&T's RF Exposure: Responsibilities, Procedures & Guidelines document, dated October 28, 2014, requires that:




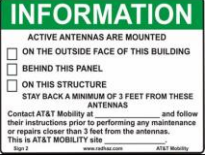




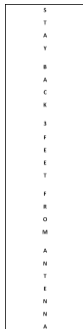


1. All sites must be analyzed for RF exposure compliance;
2. All sites must have that analysis documented; and
3. All sites must have any necessary signage and barriers installed.

Appendix C: AT&T SIGNAGE AND MITIGATION

Signs are the primary means for control of access to areas where RF exposure levels may potentially exceed the MPE. As presented in the AT&T guidance document, the signs must:

- Be posted at a conspicuous point;
- Be posted at the appropriate locations;
- Be readily visible; and
- Make the reader aware of the potential risks prior to entering the affected area.

The table below presents the signs that may be used for AT&T installations.

Informational Signs		Alerting Signs	
 <p>INFO 1</p>	 <p>NOTICE 1</p>	 <p>NOTICE 2</p>	
 <p>INFO 2</p>	 <p>NOTICE DECAL</p>		
 <p>INFO 3</p>	 <p>CAUTION 1 - ROOFTOP</p>	 <p>CAUTION 2 - ROOFTOP</p>	
 <p>INFO 4</p>	 <p>CAUTION - TOWER</p>	 <p>WARNING</p>	

Appendix D: LIMITATIONS

This report was prepared for the use of AT&T Mobility, LLC to meet requirements outlined in AT&T's corporate RF safety guidelines. It was performed in accordance with generally accepted practices of other consultants undertaking similar studies at the same time and in the same locale under like circumstances. The conclusions provided by EBI are based solely on the information provided by the client. The observations in this report are valid on the date of the investigation. Any additional information that becomes available concerning the site should be provided to EBI so that our conclusions may be revised and modified, if necessary. This report has been prepared in accordance with Standard Conditions for Engagement and authorized proposal, both of which are integral parts of this report. No other warranty, expressed or implied, is made.

Appendix E: ROOFVIEW®

RoofView® is a widely-used predictive modeling program that has been developed by Richard Tell Associates to predict both near field and far field RF power density values for roof-top and tower telecommunications sites produced by vertical collinear antennas that are typically used in the cellular, PCS, paging and other communications services. The models utilize several operational specifications for different types of antennas to produce a plot of spatially-averaged power densities that can be expressed as a percentage of the applicable exposure limit.

Appendix F: CERTIFICATIONS

Preparer Certification

I, Adam Piombino, state that:

- I am an employee of EnviroBusiness Inc. (d/b/a EBI Consulting), which provides RF-EME safety and compliance services to the wireless communications industry.
- I have successfully completed RF-EME safety training, and I am aware of the potential hazards from RF-EME and would be classified “occupational” under the FCC regulations.
- I am familiar with the FCC rules and regulations as well as OSHA regulations both in general and as they apply to RF-EME exposure.
- I have been trained in on the procedures outlined in AT&T’s RF Exposure: Responsibilities, Procedures & Guidelines document (dated October 28, 2014) and on RF-EME modeling using RoofView® modeling software.
- I have reviewed the data provided by the client and incorporated it into this Site Compliance Report such that the information contained in this report is true and accurate to the best of my knowledge.

Adam Piombino

27^H



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MASTER DEED

OF

THE MT. AUBURN HOSPITAL CONDOMINIUM

**330 MT. AUBURN STREET
CAMBRIDGE, MASSACHUSETTS**

DATE: December 6, 2006

Plan No# 1600 of 2006

Prepared by and upon recording please return to:
Goulston & Storrs, P.C.
400 Atlantic Avenue
Boston, Massachusetts 02110-3333
Deborah S. Horwitz

LandAmerica
265 FRANKLIN STREET 8th FLOOR
BOSTON, MA 02110

**MASTER DEED
OF
THE MT. AUBURN HOSPITAL CONDOMINIUM**

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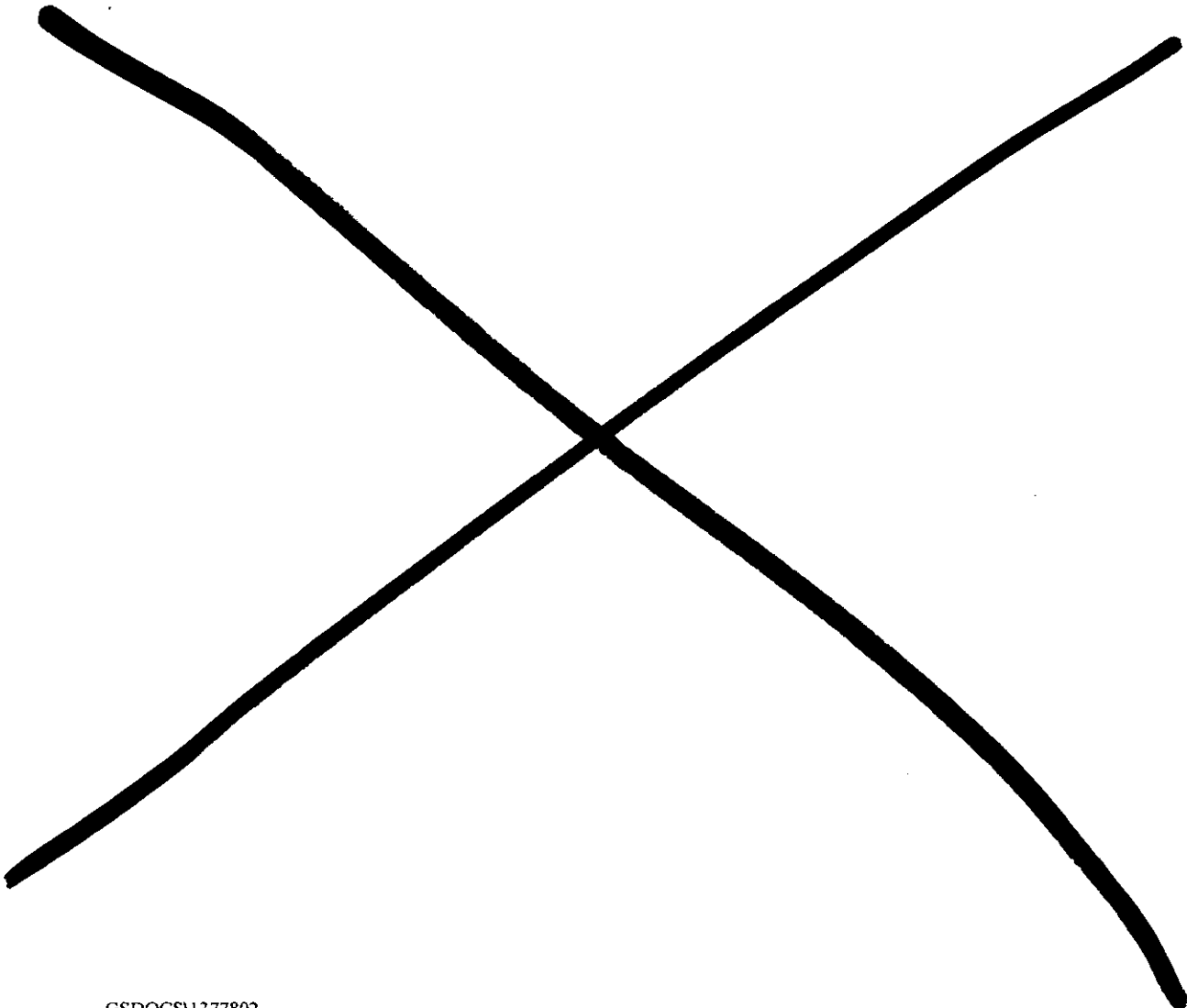
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<u>Exhibit</u>	<u>Subject Matter</u>	<u>Section First Mentioned</u>
"A"	Legal Description of the Land	Article 4
"B"	Condominium Units and Percentage Interest in Common Elements and Shared Facilities	Article 6
"C"	Plan	Article 4 Article 6



**MASTER DEED
OF
MT. AUBURN HOSPITAL CONDOMINIUM

CAMBRIDGE, MASSACHUSETTS**

This **MASTER DEED** of **THE MT. AUBURN HOSPITAL CONDOMINIUM**, made as of this 22 day of November, 2006.

ARTICLE 1 - SUBMISSION TO CONDOMINIUM REGIME

Mt. Auburn Hospital, a Massachusetts non-profit corporation having its principal office at 330 Mt. Auburn Street, Cambridge, Massachusetts (the "Declarant"), being the sole owner of certain premises located in the City of Cambridge, Middlesex County, Commonwealth of Massachusetts, by duly executing and recording this Master Deed, does hereby submit such premises to the provisions of Chapter 183A of the Massachusetts General Laws and hereby states that it proposes to create and does hereby create a condominium, as a commercial condominium under Chapter 183A, Section 21, to be governed by and subject to the provisions of Chapter 183A, and to that end hereby declares and provides as follows:

ARTICLE 2 - DEFINITIONS

The terms used in this Master Deed shall generally be given their natural, commonly accepted definitions unless otherwise specified. Capitalized terms shall be defined as set forth below.

"Building": As described in Article 5.

"Chapter 183A": Chapter 183A of the Massachusetts General Laws, Condominiums, as the same may be amended from time to time.

"Common Elements": Individually or collectively as the context appropriately would admit or require, those areas and facilities of the Condominium that are for the common use of all of the Units, as described in Section 7.1.1.

"Common Element Charges": The charges assessed by the Trustees to any Unit Owner in accordance with Article VII.

"Condominium": The condominium more commonly known as The Mt. Auburn Hospital Condominium, commonly known and numbered as 330 Mt. Auburn Street, in Cambridge, Massachusetts, established by this Master Deed.

"Condominium Documents": This Master Deed and the Condominium Trust.

"Condominium Trust" or "Trust": The Declaration of Trust of the Mt. Auburn Hospital Condominium Trust, including the By-Laws and Rules and Regulations thereof, of even date and record herewith, as it may be amended from time to time.

"Declarant": As defined in Article 1.

"Indemnified Party" and collectively, "Indemnified Parties": As described in Section 9.6.

"Land": As described in Article 4 and in Exhibit A.

“Legal Requirements”: As described in Section 9.6.

“Mortgagee”: Any holder of a mortgage of record on a Unit.

“Parking Areas”. All areas designated for parking spaces within a garage or as surface parking on the Plan, as the same may be modified from time to time as permitted hereunder.

“Plan”: The site and floor plan depicting the Condominium, as more particularly described in Article 8 and on Exhibit C, as the same may be amended from time to time as permitted herein.

“Shared Facilities”: Individually or collectively as the context appropriately would admit or require, those areas and facilities located within a Unit but which are used in common for the benefit of all of the Units and in which each Unit Owner is granted easements rights as set forth in Section 7.1.A.

“Trustees” or “Board of Trustees”: The Trustees of the Condominium.

“Unit Owner(s)”: The record owner(s) of any Unit.

“Registry”: The Middlesex County South Registry of Deeds. If and so long as any portion of the Condominium property is registered land, all references to recording of a document in the Registry shall also include the filing of such document with the Middlesex County South Registry District of the Land Court.

“Rules and Regulations”: The Rules and Regulations adopted or amended pursuant to the provisions of Section 6.7 of the Trust.

ARTICLE 3 - NAME AND GENERAL DESCRIPTION

The name of the Condominium shall be “The Mt. Auburn Hospital Condominium.”

The Condominium consists of the “Land” and “Building” as described in Articles 4 and 5, which are divided into: (a) five (5) commercial condominium units; and (b) certain common elements appurtenant to all of the Units (collectively, the “Common Elements”), described in Section 7.1.A and certain shared facilities used by all of the Unit Owners (collectively, the “Shared Facilities”), described in Section 7.1.B.

ARTICLE 4 - DESCRIPTION OF LAND

The land (collectively, the “Land”) included in the Condominium consists of the premises described in Exhibit A situated in the City of Cambridge, Middlesex County, Massachusetts on Mt. Auburn, Street and more commonly known and numbered as 330 Mt. Auburn Street. The Land is shown on the Plan. The Land and all improvements now or hereafter situated thereon are subject to the rights, reservations, and restrictions set forth on Exhibit A.

ARTICLE 5 - DESCRIPTION OF BUILDING

The buildings (collectively, the “Building”) included in the Condominium, as set forth more fully below, currently consists of several connected structures including: (a) a 1-5-story stucco and brick building known as the “South Building” which forms a portion of Unit 3 of the Condominium; (b) an 8-story brick building known as the “Needham Building” which forms Unit 1 of the Condominium; (c) a 3-

story elevated brick building known as the "Medical Office Building" which forms a portion of Unit 3 of the Condominium; (d) a 1-3 story brick building known as the "Parsons Building" which forms a portion of Unit 3 of the Condominium; (e) a 2-3 story brick building known as the "Clark Building" which forms a portion of Unit 3 of the Condominium; (f) a 1-story concrete building known as the "Radiation Oncology Building" which forms Unit 4 of the Condominium; and (g) a 5-story brick building known as the "Wyman Building" which forms Unit 2 and Unit 5 of the Condominium. The Building may be modified from time to time as permitted hereunder. Each Unit has the benefit of various rights and easements in the other Units as more particularly described herein.

ARTICLE 6 - DESCRIPTION OF UNITS

As more fully described in this Article 6 and as depicted on the Plan, the Condominium is currently comprised of the following 5 Units:

Unit 1	Needham Building
Unit 2	Wyman Building (portion)
Unit 3	South Building, Medical Office Building, Parsons Building, and Clark Building
Unit 4	Radiation Oncology Building
Unit 5	Wyman Building (portion)

ARTICLE 7 - DESCRIPTION OF THE COMMON ELEMENTS AND COMMON ELEMENT CHARGES

Section 7.1.A. Description of Common Elements.

The Common Elements are the common areas and facilities of the Condominium that are for the common use of all of the Unit Owners. Each Unit Owner shall be entitled to an undivided interest in the Common Elements in the percentages set forth on Exhibit B, as the same may be adjusted from time to time as permitted herein. As of the date of this Master Deed, the Common Elements include the following:

(1) Land: The Land, including without limitation the air space above and around the Building, all surface parking areas, the ground below the garages and the rights of the Declarant, if any, in and to the streets or sidewalk areas bordering the Land, pathways and open areas as exist from time to time between and around the various portions of the Building and any amenities located thereon, together with the benefit of and subject to all other rights and easements referred to herein and in Exhibit A.

(2) Structure and Exterior: The foundations, structural columns, girders, beams, supports and exterior walls to the extent the same are shared by more than one Unit, the structured parking garages located on the Land, street lighting and exterior lighting (except exterior lighting attached to the exterior of a single Unit), interior structural or bearing walls, roof drains and stormwater system, rooftop equipment and rooftop equipment screening, and roofs and flashing to the extent the same are shared by more than one Unit.

(3) All other elements and features of the Condominium property, however designated or described, excepting only the Units themselves and the Shared Facilities.

Section 7.1.B. Description of Shared Facilities.

The Shared Facilities are the areas and facilities of the Condominium that are located within a Unit but which are used in common by all of the United Owners in accordance with each Unit's undivided interest in the Common Elements and Shared Facilities as set forth in Exhibit B. As of the date of this Master Deed, the Shared Facilities include the following:

- (1) Access Areas and Corridors: Those areas within and about the Land and the Building which provide access into and throughout the Condominium, including, without limitation, corridors, lobbies, foyers, basements, sub-basements, underground tunnels, vault areas, loading areas, pedestrian and vehicular entrances and exits, elevators, elevator lobbies, escalators, stairways, passageways and walkways within and about each of the Units and the Common Elements, as and to the extent reasonably necessary in order for the Condominium to continue to be utilized as an integrated functioning acute care hospital and medical service facility.
- (2) Loading Dock Area/Shipping and Receiving: All of the loading dock area in the Needham Building, as shown the Plan (including without limitation the portion of the driveway extending from Mt. Auburn Street to the loading dock area, as shown on said Plan).
- (3) Cafeteria/Coffee Shop: The Cafeteria and Coffee Shop currently located on the first floor of the Needham Building (Unit 1).
- (4) Gift Shop: The Gift Shop currently located on the first floor of the Needham Building (Unit 1).
- (5) Main Lobby/Admitting: The lobby area inside the main entrance to the Condominium located on the first floor of the Needham Building (Unit 1) in which are located admitting, informational and other customer services and administrative functions.
- (6) Pharmacy: The Pharmacy serving the current Hospital Use of the Condominium currently located on the first floor of the Needham Building (Unit 1).
- (7) Materials Distribution/Medical Records/ Environmental Services/Biomedical Engineering: The storage areas, filing cabinets, closets and other areas currently used for purposes such as materials distribution, medical records, environmental services, biomedical engineering, janitorial supplies and other uses which currently serve multiple portions of the Condominium and not solely one Unit.
- (8) The fire alarm and electrical systems for the Building.
- (9) All conduits, ducts, pipes, plumbing, wiring, chimneys, flues, equipment, fixtures, machinery, furnishings, landscaping, and other facilities for the furnishing of utilities or services to the Units and/or the Common Elements, except for any of the foregoing which are part of the Units themselves and exclusively serve such Unit.

The Declarant and each Unit Owner hereby grants to each other Unit Owner, for the benefit of such grantee Unit Owner in common with others entitled thereto, the perpetual right and easement to use the Shared Facilities.

The foregoing provisions shall not constitute any grant of easement rights to the public, and shall be subject to amendment as permitted in this Master Deed.

Section 7.2 Common Element Charges; Income.

The Common Elements and Shared Facilities shall be maintained, operated, repaired and replaced by the Trustees as necessary, in accordance with all applicable Legal Requirements and consistent with the standards and quality of a first-class hospital and medical services operation and all costs and expenses thereof (including any and all management, employee and services costs and expenses) shall be allocated and assessed among the Unit Owners in accordance with the percentages of interests in Common Elements and Shared Facilities set forth on Exhibit B, as the same may be adjusted from time to time as permitted hereunder, except to the extent that the same are necessitated by the negligence, misuse, abuse or neglect of a Unit Owner, its agents or invitees, in which event such expense shall be charged to such Unit Owner individually and the Unit Owner shall be personally liable therefor. Notwithstanding any other provision hereof to the contrary, as long as the Declarant is the owner of all the Units, all costs and expenses related to any portion of the Condominium shall be treated as a Common Element Charge.

Any income from the Common Elements and Shared Facilities shall be allocated among the Unit Owners in accordance with the percentages of interest in Common Elements set forth on Exhibit B, as the same may be adjusted from time to time as permitted hereunder.

Section 7.3 General Provisions.

7.3.1 Determination of Percentage Interest: The percentage interest of each Unit in the Common Elements as set forth on Exhibit B is the approximate relation that the fair value of such Unit bears to the aggregate fair value of the Units having rights in the Common Elements as of the date of this Master Deed.

7.3.2 Common Elements and Shared Facilities to Remain Undivided: The Common Elements and Shared Facilities shall remain undivided as set forth herein and no Unit Owner or other person shall bring or shall have the right to bring any action for partition or division thereof, except as may be specifically provided in this Master Deed or the Trust.

7.3.3 Exercise of Easement Rights to Use the Common Elements and Shared Facilities: Each Unit Owner shall exercise its easement rights to use the Common Elements and Shared Facilities, subject to all applicable provisions of the Condominium Documents and in a manner which does not interfere unreasonably with the use of other Units for their permitted purposes. Such easements shall be subject to the rights of the Trustees to adopt reasonable Rules and Regulations governing the use of the Common Elements.

7.3.4 Rights in Common Elements and Shared Facilities Subject to Master Deed Etc.: Notwithstanding anything to the contrary contained herein, the rights of the Unit Owners with respect to the Common Elements and Shared Facilities are subject to: (i) any rights, easements and limitations on use contained in other portions of this Master Deed and the Trust, as the same may be amended from time to time, and (ii) the rights, easements and other restrictions set forth in Exhibit A.

7.3.5 Trustees' Rights of Access, Maintenance, Repair and Replacement of Common Elements and Shared Facilities: The Trustees shall have the exclusive rights to maintain, repair, replace, add to and alter the Common Elements and Shared Facilities, including without limitation the maintenance and repair of the exterior portions of the Units and to make excavations for such purposes. The Trustees shall have the right at any time and from time to time to move, alter or improve the then

current use of any portion of the Common Elements and Shared Facilities; provided that no such alteration, move, improvement or termination shall affect the ability of the Units to continue to be operated as an integrated hospital and medical care facility without the consent of any adversely impacted Unit Owner. Notwithstanding any other provision in the Condominium Documents, the Trustees further shall have the right of access at all reasonable times and upon not less than two (2) days' prior notice (except in emergencies) to each Unit for purposes of operating, inspecting, protecting, maintaining, repairing and replacing any Common Element or Shared Facility, and correcting, terminating and removing acts or things which interfere with each Unit Owner's use and enjoyment of its own Unit or any Common Element or Shared Facility or are otherwise contrary to or in violation of provisions of the Condominium Documents or any Legal Requirements. The Trustees shall have the right to assess such Unit Owner for the costs incurred by the Trustees in performing any of the foregoing work, for which such Unit Owner shall be liable in addition to and as part of such Unit Owner's share of the Common Element Charges, and until such charges are paid by such Unit Owner, the same shall constitute a lien against such Unit pursuant to the provisions of this paragraph, Section 7.3.8 below, and Section 6.16 of the Trust, and the provisions of Chapter 183A, Section 6. Further, in addition to any late charges which may be imposed by the Trustees on account of any delinquency by a Unit Owner in the payment of charges assessed to such Unit under this Master Deed and/or the Trust, the amount of any such charge shall bear interest from the date on which such charge was first due until paid at the rate of eighteen percent (18%) per annum. Such accrued interest, together with the reasonable cost of collection of any such charges (including reasonable attorneys' fees) shall be added to the amount of such charge and shall constitute a lien on such Unit under the terms of Chapter 183A, Section 6.

7.3.6 Encroachments: If any portion of the Common Elements encroaches upon any Unit or any Unit encroaches upon any other Unit or any portion of any Common Element as a result of (a) settling or shifting to the Building, (b) any alteration, repair or restoration of the Shared Facilities or the Common Elements made by or with the consent of the Trustees, when and as required or permitted in this Master Deed or in the Trust, or made by Declarant, as provided herein or in the Trust, or (c) any alteration, repair or restoration of any portion of the Condominium after damage by fire or other casualty or as a result of eminent domain proceeding, a valid easement shall exist for such encroachment and for the maintenance of the same to the extent of and for the duration of the encroachment, without the necessity for execution of any documentation by any Unit Owner or by the Trust.

7.3.7 Additional Utility Easements: The Declarant, for so long as it or an entity controlled by Declarant holds title to any Unit, and thereafter the Trustees, but in all events subject to Chapter 183A Section 5, shall have the right to grant such additional electric, gas, steam, chilled water, telecommunications, cable television, internet services, ventilation or other easements or licenses, whether for utilities or otherwise, or to relocate, or otherwise modify or amend, any existing utility easements or licenses (wherever located), as the Declarant or the Trustees shall deem necessary or desirable. The grant of such easements or licenses for such additional utilities or the relocation of existing utilities shall not prevent or unreasonably interfere with the peaceful and lawful use and enjoyment of the Common Elements and Shared Facilities by the Unit Owners and shall not result in the imposition of any mechanics', materialmens' and/or laborers' liens against any of the Units. Any utility company and its employees and agents shall have the right of access to any Unit and to the Common Elements and Shared Facilities in furtherance of such easement or license, provided such right of access shall be exercised in a manner so as to not unreasonably interfere with the normal business operations of tenants and occupants of the Units for their permitted purposes. The Declarant or the Trustees may grant revocable licenses in designated Common Elements to Unit Owner(s) at no charge or at a reasonable charge therefor. Any such grant will not be construed as a sale or disposition of the Common Elements.

7.3.8 Liens: If any Unit Owner shall fail to pay or reimburse the Trust for such Unit Owner's share of Common Element Charges, such Common Element Charges shall constitute a lien against such

Unit pursuant to the provisions of this Master Deed and Chapter 183A Section 6, until such share is paid by such Unit Owner. Further, in addition to any late charges which may be imposed by the Trustees on account of any delinquency by a Unit Owner in the payment of charges assessed to such Unit under this Master Deed and/or the Trust, the amount of any such charge shall bear interest from the date on which such charge was first due until paid at the rate of eighteen percent (18%) per annum. Such accrued interest, together with the reasonable cost of collection of any such charges (including reasonable attorneys' fees) shall be added to the amount of such charge and shall constitute a lien on such Unit under the terms of Chapter 183A, Section 6. Each Unit Owner, by acceptance of its Unit Deed (whether or not it is so expressed in any such Deed) or its occupancy of its Unit shall irrevocably be deemed to covenant and agree with the Declarant, the Trustees and all other Unit Owners, to pay such Common Element Charges (including late charges, accrued interest and collection charges, if any) as are assessed upon any such Unit and, if not otherwise provided by Chapter 183A Section 6, to suffer a lien upon such Unit on account of any such Common Element Charge until so paid, which lien shall have the same priority as a lien under Section 6.16 of the Trust and shall, to the maximum extent possible under law, be enforced in the manner of lien under Chapter 183A, Section 6(d).

7.3.9 Additional Development: The Trustees shall have the right to extend, revive or grant rights to develop the Condominium, including the right to add additional units or land to the Condominium ("Additional Development"), with the consent of the Unit Owners holding at least sixty percent (60%) of the beneficial interest in the Common Elements and the consent of all Mortgagees listed with the Trustees as provided in the Trust.

ARTICLE 8 - PLAN

The Plan described in Exhibit C attached hereto and incorporated herein by reference (the "Plan") shows the currently existing Land, the Building and related site improvements, and adjacent public and private ways, the floor plans of the Building, the layout, location, Unit designations and dimensions of the Units, and the elevations and floor numbering of the Building, bearing the verified statement of a registered land surveyor, engineer or architect certifying that the Plan fully and accurately depicts the same, as built, in accordance with the provisions of Chapter 183A, are recorded herewith. In the event of a conflict between the Plan and Section 6 (description of the Units), the terms and provisions of Section 6 shall control; in the event of a conflict between the Plan and Section 7 (description of Common Elements), the terms and provisions of Section 7 shall control.

ARTICLE 9 - USE OF UNITS

Section 9.1 Uses of Units.

9.1.1 Generally: Except as provided in this Article 9, the Units may not be used for any purpose, even if otherwise permitted by the terms and provisions of this Master Deed, the Trust, or any document affecting title to the Land. Any use of a Unit permitted in this Article 9 is permitted subject to the receipt of all necessary governmental permits and approvals and compliance with any and all applicable Legal Requirements and provisions of the Condominium Documents. Any amendment of this Master Deed that changes any provision herein pertaining to permitted and/or prohibited uses, that permits a use prohibited hereunder or prohibits a use permitted hereunder, shall only be legally valid and effective if evidenced by an amendment instrument signed by the Unit Owners entitled to sixty percent (60%) or more of the undivided interests in the Common Elements and consented to by all Mortgagees listed with the Trustees as provided in the Trust.

9.1.2 Use: The Units and Common Elements shall be used and operated together to form a licensed full service acute care hospital facility and physicians' office space.

9.2 Maintenance of Units.

9.2.1 Generally: The Unit Owners shall be individually responsible for the proper maintenance and repair of their respective Unit, ordinary or extraordinary, excluding any Common Elements and Shared Facilities (except as otherwise specifically provided herein or in the Trust). If the Trustees shall at any time in their reasonable judgment determine that any part of any Unit, including, without limitation, mains and pipes for water and sewerage and electrical conduits, is in such need of maintenance or repair that the condition of a Unit or fixtures, furnishings, facilities, or equipment therein may be injurious to any other Unit or the occupants or invitees thereof, the Trustees shall by written notice to the Unit Owner (and to the Mortgagee of such Unit) require the Unit Owner to perform the needed maintenance, repair, or replacement or to correct the condition, and in case such work shall not have been commenced within thirty (30) days (or such reasonable shorter period in case of emergency as the Trustees shall determine) of such request and thereafter diligently brought to completion, the Trustees shall be entitled to have the work performed for the account of such Unit Owner and to enter upon and have access to such Unit for that purpose. The Trustees shall have the right to assess such Unit Owner for the reasonable costs incurred by the Trustees in performing any of the foregoing work on any such portion of a Unit, for which such Unit Owner shall be personally liable in addition to and as part of such Unit Owner's share of the Common Element Charges, and until such charges are paid by such Unit Owner, the same shall constitute a lien against such Unit pursuant to the provisions of this paragraph, Section 7.3.8 above, Section 6.16 of the Trust, and the provisions of Chapter 183A, Section 6. Further, in addition to any late charges which may be imposed by the Trustees on account of any delinquency by a Unit Owner in the payment of charges assessed to such Unit under this Master Deed and/or the Unit, the amount of any such charge shall bear interest from the date on which such charge was first due until paid at the rate of eighteen percent (18%) per annum. Such accrued interest, together with the reasonable cost of collection of any such charges (including reasonable attorneys' fees) shall be added to the amount of such charge and shall, as in the case of such charge, constitute a lien on such Unit under the terms of Chapter 183A, Section 6.

9.2.2 Parts of Unit Located Outside the Boundaries of Such Unit: Notwithstanding any other provision of this Master Deed or the Trust, the following maintenance and access rights and/or obligations apply respectively to Unit Owners, as applicable, and the Trustees with respect to any utility services and building systems, facilities and/or elements that serve exclusively one Unit and that, although located within another Unit or within a Common Element, are designated in this Master Deed as part of such benefited Unit or part of the Common Elements in which such Unit has a percentage interest.

(1) **Unit Owner's Right of Access to Such Parts of Unit:** The owner of a Unit shall have a non-exclusive right and easement through any other Unit or any portion of the Common Elements and Shared Facilities, at such times, and in such manner, as will ensure that no significant adverse impacts occur to the operations of such affected Unit(s) (and/or Common Element(s)) and Shared Facilities, to access for maintenance, repair, and emergency purposes and to use those utility services and building systems, facilities and/or elements that are part of such benefited Unit and are located within such affected Unit(s) and/or Common Element(s), as shown on the Plan.

(2) **Trustees' Right of Access to Such Parts of Unit.** Notwithstanding any other provision in the Condominium Documents, with respect to any portion of a Unit that, as described above, is located within another Unit or within a Common Element or Shared Facility, the Trustees shall have the right of access at all reasonable times to each Unit for purposes of operating, inspecting, protecting, maintaining, repairing and replacing any such portion of a Unit, and correcting, terminating and removing acts or things which interfere with each Unit Owner's use and enjoyment of its own Unit or

any Common Element or Shared Facility or are otherwise contrary to or in violation of provisions of the Condominium Documents or any Legal Requirements. The Trustees shall have the right to assess such Unit Owner for the costs incurred by the Trustees in performing any of the foregoing work on any such portion or a Unit, for which such Unit Owner shall be personally liable in addition to and as part of such Unit Owner's share of the Common Element Charges, and until such charges are paid by such Unit Owner, the same shall constitute a lien against such Unit pursuant to the provisions of this paragraph, Section 7.3.8 above and Section 6.16 of the Trust, and the provisions of Chapter 183A, Section 6. Further, in addition to any late charges which may be imposed by the Trustees on account of any delinquency by a Unit Owner in the payment of charges assessed to such Unit under this Master Deed and/or the Unit, the amount of any such charge shall bear interest from the date on which such charge was first due until paid at the rate of eighteen percent (18%) per annum. Such accrued interest, together with the reasonable cost of collection of any such charges (including reasonable attorneys' fees) shall be added to the amount of such charge and shall, as in the case of such charge, constitute a lien on such Unit under the terms of Chapter 183A, Section 6.

Section 9.3 Intentionally Omitted.

Section 9.4. Leasing of Units.

Except as provided in this Article 9, any lease of a Unit or portion thereof shall be in writing and shall provide that the tenancy shall be in compliance with the Condominium Documents, including the Rules and Regulations, a copy of which shall be attached to such lease. No right to lease by any Unit Owner shall be exercised so as to restrict use or occupancy of a Unit or portion thereof because of race, creed, sex, color or national origin. In addition, Unit Owners must give written notice to the Trustees of the names of any tenants or other occupants of the Unit of such Unit Owner who are in occupancy in excess of thirty (30) days, as provided in Chapter 183A, Section 4(6).

Section 9.5. Intentionally Omitted.

Section 9.6. Compliance with Condominium Documents and Legal Requirements.

Each Unit and the Common Elements and Shared Facilities shall be used only in accordance with the provisions of the Condominium Documents, and in accordance with any applicable law, order, rule, regulation, code, ordinance, permit or approval of, or agreement with, any court or governmental entity of competent jurisdiction, including without limitation any so-called Notice of Activity and Use Limitation as defined in the Massachusetts Contingency Plan at 310 CMR 40.0000 (collectively, "Legal Requirements"). Each Unit Owner shall give prompt notice to the Trustees of any written notice it receives of any violation of any Legal Requirements affecting its Unit or the Common Elements.

Each Unit Owner, by acceptance of its Unit Deed (whether or not it is so expressed in any such Deed), shall be deemed to have covenanted and agreed to and to release, waive, indemnify and hold harmless the Declarant, the Trustees and all other Unit Owners, and their respective affiliates, successors, assigns, directors, managers, members, employees, and mortgagees (each, an "Indemnified Party" and collectively, "Indemnified Parties") from and against any claim, loss, damage, cost, expense, or liability (collectively, the "Claims") arising out of each Unit Owner's failure to properly use, operate, maintain, repair and replace their respective Unit and/or the Common Elements and Shared Facilities in accordance with the applicable provisions of the Condominium Documents and any applicable Legal Requirements, except, as to any particular Indemnified Party, in the event that such Claim results from negligence or willful act of such Indemnified Party and/or for the breach by such Indemnified Party of any obligation under this Master Deed.

Section 9.7. Nuisance Uses Prohibited.

In keeping with the operation of the Condominium as a first-class hospital and medical service facility, no Unit Owner shall cause or permit in any portion of its Unit or the Condominium (i) any act or omission that would be a violation of any Legal Requirement, or (ii) any nuisance, offensive noise, odor or fumes, or any condition in violation of Legal Requirements. For the purpose of this Section 9.7, the Trustees' decision as to what constitutes a nuisance shall be binding on the Unit Owners.

Section 9.8 Rights of Declarant.

The Declarant may, for its own account: (i) license or lease Units (or portions thereof) which are owned by it or any parking spaces and storage rooms appurtenant thereto; and (ii) notwithstanding any provisions of Sections 9.1 and 9.2, proceed, together with its contractors and other appropriate personnel, to complete any construction, landscaping or the like in or to any of the Common Elements and/or any renovations, finishing work or the like in or to any Units which is the responsibility of the Declarant, and exercise all rights related thereto or reserved to or conferred upon the Declarant in accordance with the provisions of this Master Deed.

Section 9.9. Benefit of Restrictions; Enforcement.

The foregoing restrictions on the permitted uses of the Units shall be for the benefit of all Unit Owners, and shall be enforceable by the Trustees and any Unit Owner. Such restrictions are intended to be perpetual, and, to that end, may be extended by the Trustees as permitted or required by law for the continued enforceability thereof.

ARTICLE 10 - ALTERATION, SUBDIVISION AND COMBINATION OF UNITS

Section 10.1. Alteration of Unit(s).

No Unit Owner shall make any alterations, additions, improvements or repairs in or to its Unit which materially adversely affects the structure of the Building and/or any building system serving any other Unit Owners (including, without limitation, the soundproofing, mechanical, electrical, plumbing, heating, ventilating and/or air-conditioning systems) without obtaining the prior written consent of the Trustees, which consent may not be unreasonably withheld or delayed. Prior to, and as a condition of, the granting of its consent to the making of any alteration, addition, improvement or repair in or to a Unit, the Trustees may, at their option, require the Unit Owner desiring to make such alteration, addition, improvement or repair to execute an agreement, in form and substance reasonably satisfactory to the Trustees, setting forth the terms and conditions under which such alteration, addition, improvement or repair may be made. Unit Owners shall pay all laborers, materialmen and mechanics in a timely fashion so as to avoid any mechanics', materialmen's or other liens. All alterations, additions, improvements or repairs in or to a Unit that do not affect the structure of the Building and/or any building system serving any other Unit Owners, including without limitation, any interior reconfiguration of the unit layout and relocation of non-bearing walls and associated building systems (that does not affect the structure of the Building and/or any building system serving any other Unit Owners), may be accomplished at the discretion of the Unit Owner without review of or consent by the Trustees.

The Unit Owner making any such alterations, additions, improvements or repairs shall, if required by the Trustees, pay the cost of: (a) any necessary amendment of the Condominium Documents required by such alterations, additions, improvements or repairs and review of such amendment; (b) obtaining all necessary governmental permits, authorizations, certificates and licenses for the commencement and

completion of any such alterations, additions, improvements or repairs; and (c) any reasonable architectural, engineering and legal fees incurred by the Trustees in connection with any such alterations, additions, improvements or repairs.

Section 10.2. Subdivision and Combination of Unit(s).

At any time, and from time to time, subject to consent of the Trustees, which consent shall not be unreasonably withheld, a Unit Owner, with the consent of any Mortgagee holding a Mortgage on such Unit, may, subject to Chapter 183A, (i) subdivide its Unit into two or more separate Units, and in connection therewith, to create from portions of the original Unit, limited common elements to be shared exclusively among the owner(s) of the newly created Unit(s), or to relocate existing Common Elements or Shared Facilities located within the original Unit (provided any such relocation does not materially and adversely affect any other Unit Owner's use and enjoyment of its Unit or the Common Elements or Shared Facilities being relocated), or (ii) combine two or more Units into one or more larger Unit(s), and in connection therewith, to relocate (or in the case of hallways or similar Common Elements or Shared Facilities discontinue) Common Elements or Shared Facilities located within the original Units, provided such relocation (or discontinuance) does not materially and adversely affect any other Unit Owner's use and enjoyment of its Unit or the Common Elements or Shared Facilities being relocated; or (iii) reconfigure a portion of a Unit to remove such portion from the original Unit and combine such portion with a different Unit to create one smaller Unit and one larger Unit, and in connection therewith, to relocate (or in the case of hallways or similar Common Elements or Shared Facilities discontinue) Common Elements or Shared Facilities located within the original Units, provided such relocation (or discontinuance) does not materially and adversely affect any other Unit Owner's use and enjoyment of its Unit or the Common Elements or Shared Facilities being relocated.

Any subdivision, combination or reconfiguration of Units shall not result in any increase or decrease to the percentage interest of any Unit Owner in the Common Elements or any change in any Unit Owner's rights in and to any Common Elements or Shared Facilities, or otherwise affect the obligations of any other Unit Owner, other than the Unit Owners undertaking such subdivision or combination or reallocation. In the case of any combination of Units, the percentage interests in the Common Elements of the resulting Unit shall equal the total percentage interests in the Common Elements of the Units so combined.

No subdivision, combination or reconfiguration of Units shall become effective until notice thereof is delivered to the Trustees, and an amendment to this Master Deed is recorded by the Unit Owner(s) causing such division or combination. Such amendment shall be in a form reasonably satisfactory to the Trustees, shall be in accordance with Chapter 183A, and shall contain (i) a description of the newly created Unit(s), (ii) amended floor plans showing the Unit(s) created thereby, (iii) a revised Exhibit B to the Master Deed setting forth the new percentage interest(s) of each Unit, provided that in the case of any subdivision of a Unit, the Trustees shall be entitled to approve the reallocation of the percentage interests of the original Unit among the owners of the newly created Units, which approval shall not be unreasonably withheld, conditioned or delayed, (iv) a description of any changes to the Common Elements or Shared Facilities resulting from such subdivision or combination, and (v) a description of any new limited common elements created in connection with such subdivision or combination. The costs and expenses of recording, preparing and reviewing the foregoing amendment (including attorneys' fees) shall be borne by the Unit Owner(s) undertaking the subdivision, combination or reconfiguration.

By the acceptance of a Unit deed (whether such deed is from the Declarant as grantor or from any other party), each Unit Owner hereby expressly and irrevocably authorizes and constitutes as such owner's attorney-in-fact, the Unit Owner(s) electing to subdivide, combine or reconfigure such Unit(s) to

make any and all such amendments and, to the extent such execution may be required by applicable law, to execute any such amendment on such Unit Owner's behalf. This power of attorney is coupled with an interest, and hence shall be irrevocable and shall be binding upon each and every present and future owner of a Unit.

Section 10.3. Insurance Requirements.

Any Unit Owner(s) undertaking construction in its Unit shall maintain additional insurance in full force and effect throughout the construction period, as may be required by the Trustees. The Unit Owner(s) further agree that (i) any construction shall be performed in a good and workmanlike manner and otherwise be made in compliance with this Master Deed, the Trust and all Legal Requirements; and (ii) all construction activities shall be performed in such a manner as not to interfere unreasonably with any other Unit Owner's use or enjoyment of its Unit or the Common Elements or Shared Facilities. Any Unit Owner performing such work shall be responsible for any damage to other Units or any Common Elements or Shared Facilities caused by or attributable to such work and the Trustees shall have no liability therefor.

ARTICLE 11 – INTENTIONALLY OMITTED

ARTICLE 12 - AMENDMENT AND MORTGAGEE PROVISIONS

12.1 Except as otherwise provided in this Master Deed, this Master Deed may be amended only by an instrument in writing (i) signed by the Unit Owners entitled to sixty percent (60%) or more of the undivided interests in the Common Elements; (ii) duly recorded with the Registry; and (iii) which meets the following requirements:

(1) The date on which any such instrument of amendment is first signed by a Unit Owner shall be indicated on the instrument as the date thereof. No such instrument shall be of any force or effect unless it has been so recorded within six (6) months after such date;

(2) No instrument of amendment which alters the dimensions or percentage of the undivided interest in the Common Elements or Shared Facilities of any Unit or materially adversely affects a Unit Owner's other appurtenant rights or easements shall be of any force or effect unless signed by the Unit Owner whose rights are so affected;

(3) No instrument of amendment affecting any Unit in a manner which impairs the security of a Mortgage held by a Mortgagee listed with the Trustees as provided in the Trust shall be of any force or effect unless the same has been consented to by such Mortgagee. No amendment of this Master Deed pursuant to the specific provisions hereof relative to subdivisions, partitions and/or combination of Units, shall be treated as an instrument impairing the security of any mortgage other than the Mortgage(s) securing such Units. Any consent of Mortgagees required under this Article 12 or under any other provision of this Master Deed shall not be unreasonably withheld, conditioned or delayed, and no consent of Mortgagees required under Chapter 183A shall be withheld unless the interests of the Mortgagee would be impaired by the proposed action, and failure of any such holder who receives a written request for such consent to deliver or mail a response thereto within thirty (30) days, unless otherwise specified in Chapter 183A, shall be deemed to be the giving of such consent by such holder. The consent of such holder(s) shall be recited in any instrument of amendment requiring the same;

(4) Nothing in this Article 12 shall be deemed to impair the right of the Declarant, until the Declarant or an entity controlled by Declarant no longer holds title to any Unit, or the Trustees thereafter, to amend, alter, add to or change this Master Deed without the consent of any other Unit

Owner(s) (or any Mortgagee thereof), the Trustees, or any other person or entity, by an instrument in writing signed and acknowledged by the Declarant or the Trustees, as applicable, and duly recorded with the Registry, for the specific purposes of: (i) making minor, clerical or factual corrections to the provisions of this Master Deed or any Plan; or (ii) complying with requirements of the Federal National Mortgage Association, the Government National Mortgage Association, the Federal Home Loan Mortgage Corporation, or any other governmental agency or any other public or private entity which performs (or may in the future perform) functions similar to those currently performed by such entities in order to induce any of such agencies or entities to make, purchase, sell, insure or guarantee mortgages covering Unit ownerships; or (iii) bringing this Master Deed into compliance with Chapter 183A, to the extent of any non-compliance, in each case to the extent that the amendment does not materially and adversely affect any Unit Owner's use and enjoyment of its Unit or any portion of the Common Elements or Shared Facilities and other rights appurtenant thereto;

(5) No instrument of amendment which affects the Declarant's rights hereunder, including its rights under Sections 9.8, 10.1, 10.2 and 12.4, shall be effective unless, in addition to the voting requirements specified above, such amendment is signed by the Declarant; and

(6) No instrument of amendment which alters this Master Deed in any manner which would render it contrary to or inconsistent with any requirements or provisions of Chapter 183A shall be of any force or effect.

12.2 Notwithstanding any provision of this Master Deed to the contrary, no instrument of amendment which alters this Master Deed in any manner or any other action requiring the consent of Unit Owners, which amendment or other action would adversely impact Unit 1 or Unit 2 or said Units' rights or percentage interest in the Common Elements or Shared Facilities shall be effective unless such amendment is approved in writing by the Unit Owners entitled to sixty percent (60%) or more of the undivided interests in the Common Elements.

ARTICLE 13 - ORGANIZATION OF UNIT OWNERS

The Unit Owners will manage and regulate the Condominium through the Trust. The Trust establishes a membership organization of which all Unit Owners shall be members and in which such Unit Owners shall have beneficial interests in proportions equal to the percentages of undivided interests respectively in Common Elements set forth in Exhibit B.

The trustees of the Trust shall be appointed in the manner and in the timeframe provided for in the Trust.

ARTICLE 14 - TERMINATION OF CONDOMINIUM

The Condominium shall continue and shall not be subject to an action for partition (unless terminated by casualty, loss, condemnation, or eminent domain, as more particularly described in the Trust) until such time as its withdrawal from the provisions of Chapter 183A is authorized by unanimous vote of the Unit Owners. No such vote shall be effective, however, without the written consent (which consent shall not be unreasonably withheld, conditioned or delayed) of any Mortgagee of a Unit, and failure of any such Mortgagee who receives a written request for such consent to deliver or mail a response thereto within thirty (30) days, unless otherwise specified in Chapter 183A, shall be deemed to be the giving of such consent by such Mortgagee. In the event such withdrawal is authorized, the Condominium shall be subject to an action for partition by any Unit Owner as if owned in common, in which event the net proceeds of sale shall be divided among all Unit Owners in proportion to their respective percentage interests in the Common Elements; provided, however, that no payment shall be made to a Unit Owner until all liens on its Unit have been satisfied in full in the order of priority of the liens.

ARTICLE 15 - MISCELLANEOUS

Section 15.1. Chapter 183A. This Master Deed is intended to comply with the requirements of Chapter 183A. In all respects not specified in this Master Deed and the Trust, the relationship of the Units, the Common Elements, the Unit Owners and the Trustees to each other and the Condominium shall be governed by provisions of Chapter 183A, including, without limitation, provisions with respect to common expenses, funds and profits, improvement and rebuilding of common areas and facilities, and removal of the Condominium or any portion thereof from the provisions of Chapter 183A. In case any of the provisions of this Master Deed conflict with the provisions of Chapter 183A, the provisions of Chapter 183A shall control.

Section 15.2. Covenants Running with the Land. All provisions of this Master Deed and the Trust shall, to the extent applicable, and unless otherwise expressly herein or therein provided to the contrary, be perpetual and be construed to be covenants running with the Land and with every part thereof and interest therein, and all of the provisions hereof and thereof shall be binding upon and inure to the benefit of the owners of all or any part thereof, or interest therein, and their heirs, executors, administrators, legal representatives, successors and assigns, but the same are not intended to create, nor shall they be construed as creating, any rights in or for the benefit of the general public. All present and future owners, tenants, subtenants, licensees, and other occupants of Units shall be subject to and shall comply with the provisions of this Master Deed and the Trust, as the same may be amended from time to time. The acceptance of a deed or the execution of a lease or the entering into occupancy of any Unit shall constitute an agreement that the provisions of this Master Deed and the Trust, as the same may be amended from time to time, are accepted and ratified by such owner, tenant or occupant, and all such provisions shall be deemed and taken to be covenants running with the Land and shall bind any person

having at any time any interest or estate in such Unit, as though such provisions were recited and stipulated at length in each and every deed, lease or use and occupancy agreement thereof.

Section 15.3. Trustees' Right to Cure. If any Unit Owner shall fail to perform any work or take any action required to be done or taken by such Unit Owner pursuant to this Master Deed or the Trust, the Trustees, after given written notice to the Mortgagee of such Unit of such failure to perform or take action and allowing such Mortgagee not less than thirty (30) days (or such reasonable shorter period in case of emergency as the Trustees shall determine) to cure any such failure may, but shall not be required to, perform such work or take such action and so assess such Unit Owner for the costs thereof, for which such Unit Owner shall be personally liable for in addition to and as part of such Unit Owner's share of the Common Elements, and until such charges are paid by such Unit Owner, the same shall constitute a lien against such Unit pursuant to the provisions of this paragraph and the provisions of Chapter 183A, Section 6. Further, in addition to any late charges which may be imposed by the Trustees on account of any delinquency by a Unit Owner in the payment of charges assessed to such Unit under this Master Deed and/or the Trust, the amount of any such charge shall bear interest from the date on which such charge was first due until paid at the rate of eighteen percent (18%) per annum. Such accrued interest, together with the reasonable cost of collection of any such charges (including reasonable attorneys' fees) shall be added to the amount of such charge and shall, as in the case of such charge, constitute a lien on such Unit under the terms of Chapter 183A, Section 6.

Section 15.4. Construction. Words used in the singular or in the plural, respectively, include both the plural and the singular, words denoting males include females, and words denoting persons include individuals, firms, associations, companies (joint stock or otherwise), trusts, and corporations unless a contrary intention is to be inferred from or required by the subject matter or context. Any cover, captions, and table of contents are inserted only for convenience of reference and are not to control or affect the meaning, construction, interpretation, or effect of this Master Deed. Unless the context otherwise indicates, words defined in Chapter 183A shall have the same meaning herein as defined in such statute. References in the descriptions contained in this Master Deed or the Plan which include terms like "storage area or room," and the like are made only for the sake of convenience and shall not imply any limitation on the use of such areas .

Section 15.5. Declarant. In the event there are any unsold Units, the Declarant shall have the same rights and obligations as other Unit Owners with respect to such unsold Units. The Declarant's rights as declarant are assignable to a successor declarant, provided that any such assignee of the Declarant assumes and agrees to be bound by all of the obligations of the Declarant set forth in this Master Deed.

Section 15.6. Severability. The invalidity of any provision of this Master Deed shall not impair or affect the validity of the remainder of this Master Deed. In such event, all of the other provisions of this Master Deed shall continue in full force and effect as if such invalid provisions had never been included herein.

Section 15.7. Waiver. No provision of this Master Deed shall be deemed to have been abrogated or waived by reason of any failure to enforce such provision, irrespective of the number of violations or breaches which may occur.

Section 15.8. Counterparts. This instrument may be executed in any number of duplicate counterparts, each of which shall be deemed an original for all purposes.

Section 15.9. Dispute Resolution.

(a) Mediation. The Trustees, Unit Owners and the Declarant (collectively, the "Parties") shall cooperate with each other to assure that all disputes and controversies which arise in connection with the Parties' respective rights and obligations pursuant to this Master Deed and/or the Declaration of Trust and/or the Declaration of Trust are resolved as expeditiously as possible. If the Parties are unable to resolve any dispute arising hereunder the matter shall be submitted to non-binding mediation as follows. Within five (5) business days after any Party has given written notice to another Party that a dispute has arisen under the Master Deed and/or the Declaration of Trust which the Parties cannot after good faith efforts resolve and which the Party giving such notice wants to submit to mediation pursuant to this Section, each Party shall select an independent mediator with at least ten years of experience in the matter under dispute in the City of Boston. Within five (5) business days thereafter, the mediators selected by the Parties shall select a third, neutral mediator (the "Mediator") who shall mediate the dispute in question. If the mediators selected by the Parties cannot agree upon a third, neutral mediator within the time period specified herein, the matter shall be submitted to Endispute, Inc., 73 Tremont Street, Boston, Massachusetts or another mutually agreeable mediation service, for resolution.

(b) Authority and Fees and Costs of Mediator. The Mediator selected through the procedures outlined above shall have the authority to retain such experts as the Mediator deems necessary or desirable to render findings of fact and a decision. Such findings of fact and decision shall be rendered within sixty (60) days after the Mediator's engagement. The fees and costs of the Mediator (and experts, as applicable) shall be borne equally by the Parties involved in such mediation.

(c) Rights of Parties during Pendency of Mediation. During the pendency of any of the foregoing dispute resolution procedures, the Parties shall continue to perform their respective obligations and may continue to exercise their respective rights pursuant to this Master Deed and/or the Declaration of Trust, except if the performance of such obligations or the exercise of such rights are the subject of such dispute resolution procedures.

(d) Non-Action by Mediator. Should the Mediator fail to render the findings of fact and decision within such sixty (60) day period any Party may thereafter submit such matter to a court of competent jurisdiction.

(e) Further Remedies. The Parties agree that no claim, dispute or controversy arising pursuant to this Master Deed and/or the Declaration of Trust shall be brought before any court without first having been submitted to the dispute resolution procedures outlined above, except (A) for claims concerning any failure by any Party to fulfill any payment obligation of such Party under this Master Deed and/or the Declaration of Trust, (B) for claims that would otherwise be barred by reason of any applicable statute of limitations and (C) for claims seeking injunctive relief brought in accordance with and subject to the terms and conditions of the immediately following grammatical sentence. In the event that any Party determines in its good faith business judgment that any action or non-action on the part of another Party is in violation of the terms of this Master Deed and/or the Declaration of Trust and will have an immediate and material adverse effect on any substantive, material right, easement or license of such Party under this Master Deed and/or the Declaration of Trust, then such Party shall have the right to seek injunctive relief in a court of competent jurisdiction without first submitting such claim or controversy to the dispute resolution procedures herein provided. The Parties hereby agree that such disputes or controversies as cannot be resolved through the dispute resolution procedures outlined herein or otherwise may be submitted to a court of competent jurisdiction and each of the Parties hereby waives its right to a jury trial with respect to any claim or action arising out of any dispute or controversy in connection with this Master Deed and/or the Declaration of Trust, any rights or obligations hereunder or

the performance of any such rights or obligations. The Parties hereby agree that the mediator's findings of fact and decision shall be non-binding with respect to such litigation.

IN WITNESS HEREOF, the undersigned Declarant has caused this Master Deed to be executed under seal, as of the day and year first above written.

MT. AUBURN HOSPITAL

By: Peter Semenza
Name: PETER SEMENZA
Title: CFO.
Hereunto duly authorized

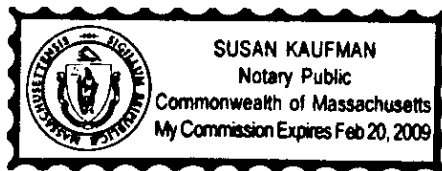
COMMONWEALTH OF MASSACHUSETTS)

COUNTY OF Middlesex)

) ss

November 22, 2006

On this 22nd day of November, 2006, before me, the undersigned notary public, personally appeared Peter Semenza, proved to me through satisfactory evidence of identification which was (known to me) to be the person whose name is signed on the preceding document and acknowledged to me that he/she signed it voluntarily for its stated purpose as the CFO of Mt. Auburn Hospital.



Susan Kaufman
Notary Public [signature and seal of notary] Susan Kaufman
My Commission expires: 2/20/09

EXHIBIT A

**LEGAL DESCRIPTION OF FEE AREA
AND EXISTING ENCUMBRANCES**

[Attached behind]

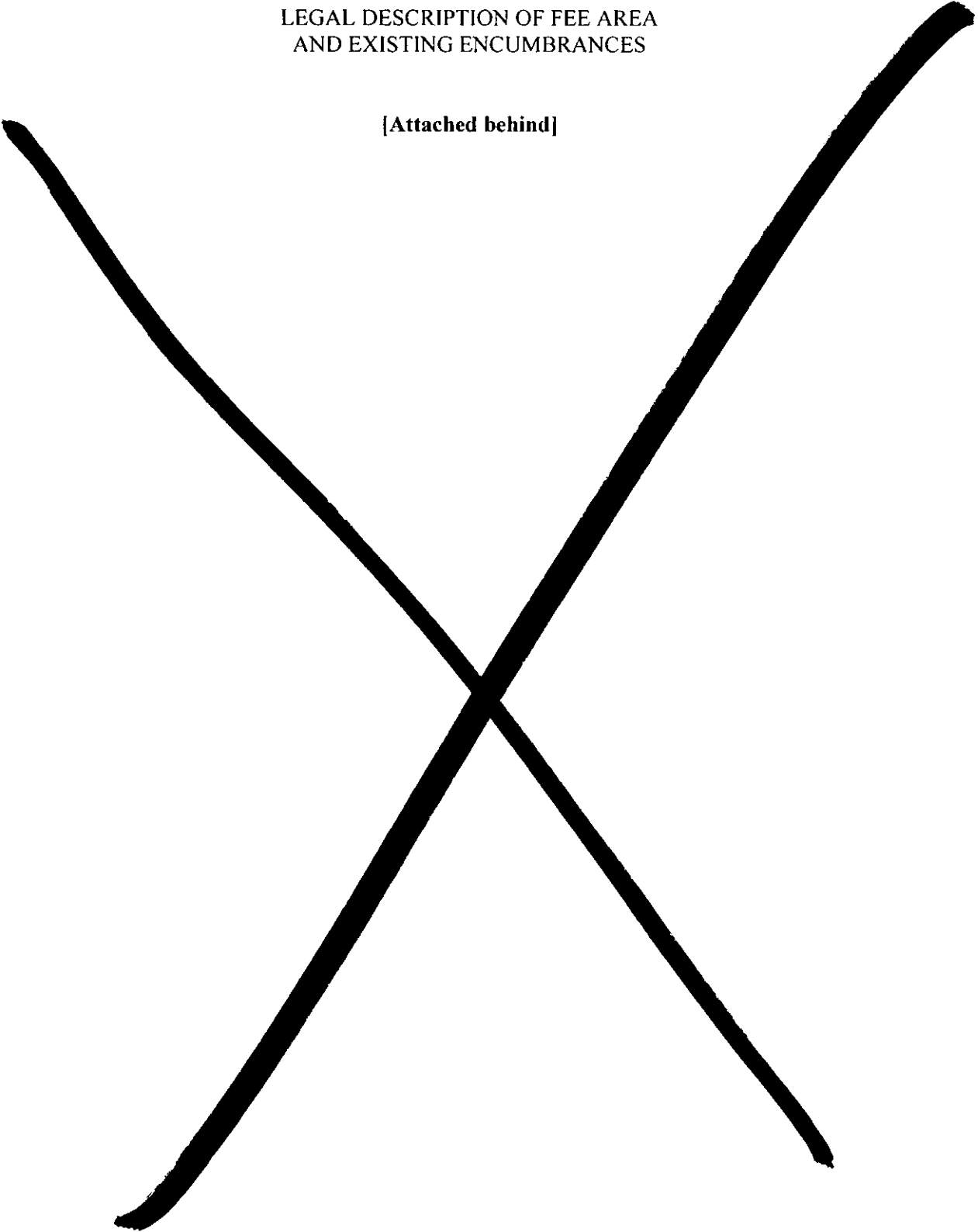


EXHIBIT "A"

A certain parcel of land with the buildings, facilities and improvements now and hereafter thereon situated on Mount Auburn Street, Memorial Drive, and the Charles River Reservation in Cambridge, Middlesex County, Massachusetts, shown on a plan entitled "Plan of Land in Cambridge, Mass. Property of Mount Auburn Hospital" dated August 1, 1958 by Schofield Brothers, Registered Civil Eng'rs. and filed with Middlesex South District Deeds as Plan No. 279 of 1963 at the end of Book 10226, and bounded and described as follows:

Beginning at the northwesterly corner of said premises on the southerly side of mount Auburn Street; thence running

S 85°12'50" E	by Mount Auburn Street, 902.93 feet; thence
S 4°47'10" W	by land formerly of President and Fellows of Harvard College. 166.44 feet; thence
S 16°23'00" E	by said Harvard College land, 102.31 feet; thence
SOUTHWESTERLY	by Memorial Drive by a curve to the left with a radius of 777.50 feet and a length of 84.35 feet; thence
S 43°47'38" W	by Memorial Drive, 200 feet; thence
SOUTHWESTERLY and WESTERLY	by Memorial Drive by a curve to the right with a radius of 200 feet and a length of 175.39 feet; thence
N 52°07'27" W	by the Charles River Reservation, 122.37 feet; thence
N 55°22'46" W	by the Reservation . 462.90 feet; thence
N 4°49'20" W	by the Reservation. 4.04 feet; thence NORTHWESTERLY by the Reservation by a curve to the left with a radius of 572.51 feet and a length of 57.72 feet; thence
NORTHWESTERLY	by the Reservation by a curve to the left with a radius of 3574.39 feet and a length of 47.42 feet; and thence
N 4°47'10" E	by land now or formerly of the Cambridge Homes for Aged People 220.25 feet to the point of beginning.

Containing, according to the plan, 8 acres and 18,248 square feet.

Existing Encumbrances

1. Title to and rights of the public and others entitled thereto in and to those portions of the premises lying within the bounds of Mount Auburn Street and any adjacent streets and ways.
2. Rights to slope and easements granted by Cambridge Hospital to the City of Cambridge by deed of land now within Memorial Drive dated May 26, 1900 and recorded in Book 2836, Page 204.
3. Rights and restrictive covenants as set forth in Deed from the Commonwealth of Massachusetts dated June 15, 1898, recorded in Book 2667, Page 201; as modified at Book 5306, Page 394.
4. Rights and easements for a main drain and common sewer as set forth in Indenture by and between Mount Auburn Hospital and the City of Cambridge recorded in Book 11796, Page 55.
5. Rights and restrictions as contained in Notice of Activity and Use Limitation by Mount Auburn Hospital, dated July 20, 1995 and recorded in Book 25628, Page 13.
6. Terms and provisions of a Decision granting Variance by the City of Cambridge Board of Zoning Appeal, Notice of which is recorded in Book 34834, Page 148.
7. Terms and provisions of lease agreement with Mount Auburn Hospital, as Landlord and Sprint Spectrum, L.P., notice of which is provided by Memorandum of PCS Site Agreement, dated April 29, 2002 and recorded in Book 35613, Page 413; as affected by terms and provisions of Decision granting Variance by the City of Cambridge Board of Zoning Appeal, Notice of which is recorded in Book 36252, Page 436.
8. Terms and provisions of Decision granting Variance by the City of Cambridge Board of Zoning Appeal, Notice of which is recorded in Book 43024, Page 442.

EXHIBIT B

**CONDOMINIUM UNITS AND
PERCENTAGE INTEREST IN COMMON ELEMENTS**

<u>Unit</u>	<u>% Interest in Common Elements</u>
1	22.1%
2	8.4%
3	64.1%
4	2.4%
5	3.0%

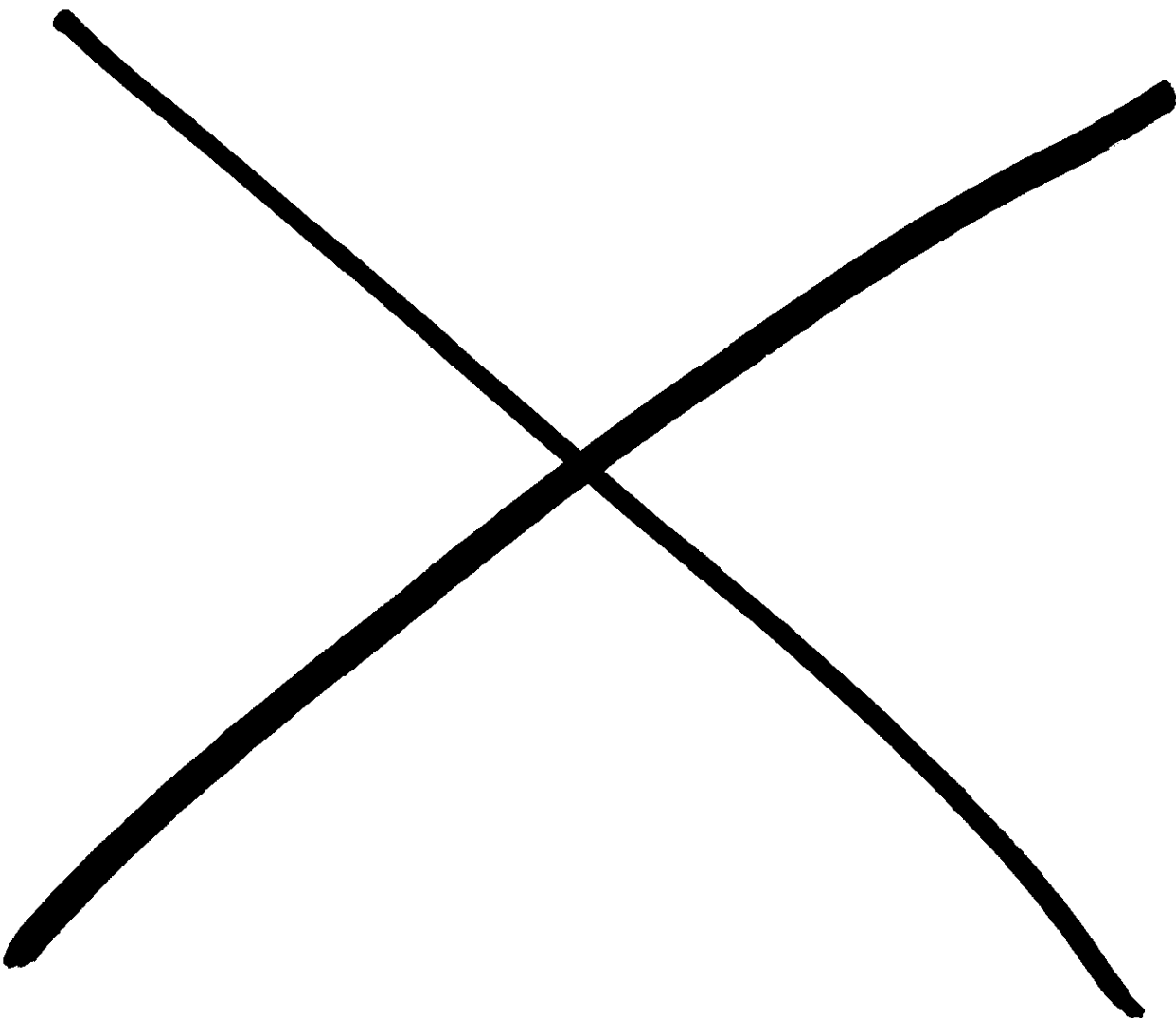
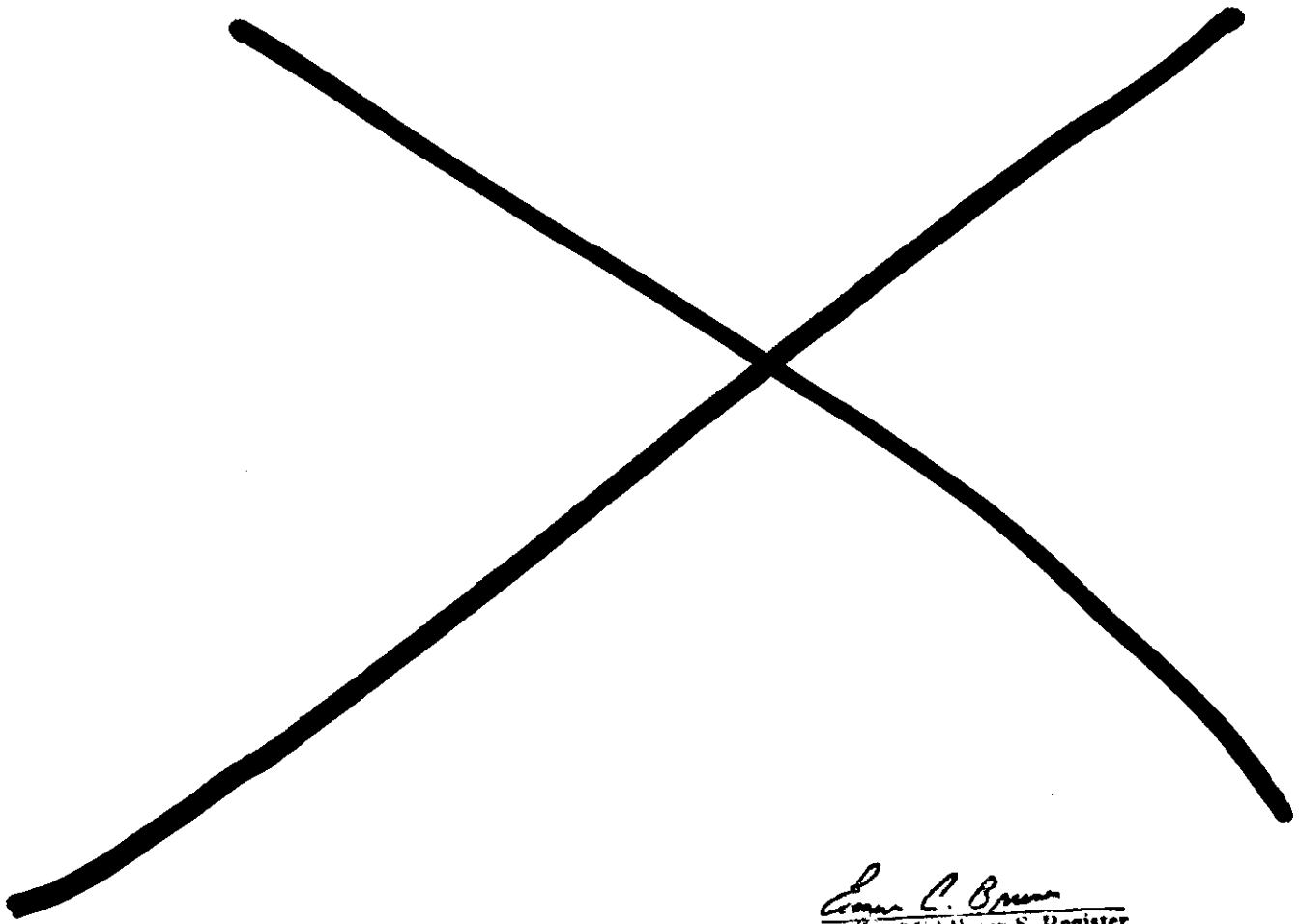


EXHIBIT C

PLAN

Plan entitled "Mount Auburn Hospital Mount Auburn Street in Cambridge Massachusetts Middlesex County Condominium Master Plan," dated January 25, 2005 and certified by BSC Group on December 6, 2006.



James C. Brown
Attest. Middlesex S. Register

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MARtha COAKLEY
ATTORNEY GENERAL

THE COMMONWEALTH OF MASSACHUSETTS OFFICE OF THE ATTORNEY GENERAL

CENTRAL MASSACHUSETTS DIVISION
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June 12, 2013

Gail Garrett, Town Clerk
Town of Mount Washington
118 East Street
Mount Washington, MA 01258

**RE: Mount Washington Special Town Meeting of April 1, 2013 - Case # 6642
Warrant Articles # 1, 2, and 3 (Zoning)**

Dear Ms. Garrett:

Articles 1, 2, and 3 - We approve the amendments to the Town by-laws adopted under Articles 1, 2, and 3 on the warrant for the Mount Washington Special Town Meeting that convened on April 1, 2013, and the map pertaining to Article 3. Our comments on Articles 1 and 2 are provided below.

Article 1 - The amendments adopted under Article 1 add a new Section 215-27 to the zoning by-laws entitled "Wireless Telecommunication Facility Zoning Bylaw." We approve the new Section 215-27, but offer the following comments.

I. Applicable Law

The federal Telecommunications Act of 1996, 47 U.S.C. § 332 (7) preserves state and municipal zoning authority to regulate personal wireless service facilities, subject to the following limitations:

1. Zoning regulations "shall not unreasonably discriminate among providers of functionally equivalent services." 47 U.S.C. §332(7) (B) (i) (I)
2. Zoning regulations "shall not prohibit or have the effect of prohibiting the provisions of personal wireless services." 47 U.S.C. § 332 (7) (B) (i) (II).
3. The Zoning Authority "shall act on any request for authorization to place, construct, or modify personal wireless service facilities within a reasonable period of time." 47 U.S.C.

§ 332 (7) (B) (ii).

4. Any decision “to deny a request to place, construct, or modify personal wireless service facilities shall be in writing and supported by substantial evidence contained in a written record.” 47 U.S.C. § 332 (7) (B) (iii).
5. “No state or local government or instrumentality thereof may regulate the placement, construction and modification of personal wireless service facilities on the basis of the environmental effects of radio frequency emissions to the extent that such facilities comply with the [Federal Communications] Commission’s regulations concerning emissions.” 47 U.S.C. § 332(7) (B) (iv).

Federal courts have construed the limitations listed under 47 U.S.C. § 332(7) as follows. First, even a facially neutral by-law may have the effect of prohibiting the provision of wireless coverage if its application suggests that no service provider is likely to obtain approval. “If the criteria or their administration effectively preclude towers no matter what the carrier does, they may amount to a ban ‘in effect’...” Town of Amherst, N.H. v. Omnipoint Communications Enters, Inc., 173 F.3d 9, 14 (1st Cir. 1999).

Second, local zoning decisions and by-laws that prevent the closing of significant gaps in wireless coverage have been found to effectively prohibit the provision of personal wireless services in violation of 47 U.S.C. § 332(7). See, e.g., Nat’l Tower, LLC v. Plainville Zoning Bd. of Appeals, 297 F.3d 14, 20 (1st Cir. 2002) (“local zoning decisions and ordinances that prevent the closing of significant gaps in the availability of wireless services violate the statute”); Omnipoint Communications MB Operations, LLC v. Town of Lincoln, 107 F. Supp. 2d 108, 117 (D. Mass. 2000) (by-law resulting in significant gaps in coverage within town had effect of prohibiting wireless services).

Third, whether the denial of a permit has the effect of prohibiting the provision of personal wireless services depends in part upon the availability of reasonable alternatives. See 360 Degrees Communications Co. v. Bd. of Supervisors, 211 F.3d 79, 85 (4th Cir. 2000). Zoning regulations must allow cellular towers to exist somewhere. Towns may not effectively ban towers throughout the municipality, even under the application of objective criteria. See Virginia Metronet, Inc. v. Bd. of Supervisors, 984 F. Supp. 966, 971 (E.D. Va. 1998).

State law also establishes certain limitations on a municipality’s authority to regulate wireless communications facilities and service providers. Under General Laws Chapter 40A, Section 3, wireless service providers may apply to the Department of Telecommunications and Cable for an exemption from local zoning requirements. If a telecommunication provider does not apply for or is not granted an exemption under c. 40A, § 3, it remains subject to local zoning requirements pertaining to cellular towers. See Building Comm’r of Franklin v. Dispatch Communications of New England, Inc., 48 Mass. App. Ct. 709, 722 (2000). Also, G.L. c. 40J, § 6B, charges the Massachusetts Broadband Institute with the task of promoting broadband access throughout the state. Municipal regulation of broadband service providers must not frustrate the achievement of this statewide policy.

In addition, Section 6409 of the Middle Class Tax Relief and Job Creation Act of 2012

requires that “[A] state or local government *may not deny, and shall approve*, any eligible facilities request for a modification of an existing wireless tower or base station that does not substantially change the physical dimensions of such tower or base station.” (emphasis added). The Act defines “eligible facilities request” as any request for modification of an existing wireless tower or base station that involves: 1) collocation of new transmission equipment; 2) removal of transmission equipment; or 3) replacement of transmission equipment. The Act applies “[n]otwithstanding section 704 of the Telecommunications Act of 1996.” The Act’s requirement that a local government “may not deny, and shall approve, any eligible facilities request” means that a request for modification to an existing facility that does not substantially change the physical dimensions of the tower or base station must be approved. Such qualifying requests also cannot be subject to a discretionary special permit.

We approve the new Section 215-27. However, the Town must apply the by-law in a manner consistent with the applicable law outlined above. In particular, Section IV of the new by-law requires that Wireless Telecommunication Facilities are only allowed by special permit in the Wireless Telecommunication Overlay District. This requirement cannot be applied to eligible facilities requests for modification to existing facilities which qualify for required approval under Section 6409 of the Act, as described above. We urge the Town to consult closely with Town Counsel regarding the appropriate response to applications for collocation in light of these recent amendments.

II. Analysis of Mount Washington’s Wireless Telecommunication Facility By-Law

A. Section VIII “Criteria For Approval and Conditions”.

This section provides as follows:

5. The applicant will remove the Facility, should the Facility be abandoned or cease to operate. The Planning Board may require the applicant to provide a bond, or other form of financial guarantee acceptable to the Planning Board to cover the cost of removal of the Facility, should the Facility be abandoned or cease to operate, and ensure other compliance hereunder.

The Town must apply any bond or other financial guarantee proceeds in a manner consistent with state law. Bond proceeds do not become Town funds unless and until the applicant defaults on the obligation under the proposed by-law. Moreover, if the Town must use the bond to pay for removal of a wireless communication facility or the repair and/or restoration of the premises, an appropriation is required before expenditure is made to do the work. General Laws Chapter 44, Section 53, provides that “[a]ll moneys received by a city, town or district officer or department, except as otherwise provided by special acts and except fees provided for by statute, shall be paid by such officers or department upon their receipt into the city, town or district treasury.” Under Section 53 all moneys received by the Town become a part of the general fund, unless the Legislature has expressly made other provisions that are applicable to such receipt. In the absence of any general or special law to the contrary, performance security funds of the sort contemplated here must be deposited with the Town Treasurer and made part of the Town’s general fund, pursuant to G.L. c. 44, § 53. The Town must then appropriate the money for the specific purpose of completing the work required for removal and/or restoration.

B. Section X “Permit Revocation For Non-Performance”.

Section X authorizes the Planning Board to revoke a special permit for failure to comply with certain conditions. We approve Section X. However, before the Planning Board revokes a permit for failure to comply with certain conditions provided in Section X, the Planning Board should discuss with Town Counsel what due process, including notice and hearing requirements, are required. We suggest that the Town discuss this issue in more detail with Town Counsel.

Finally, the word “ordinance” is used in the by-law. Towns enact “by-laws” and cities enact “ordinances.” The Town may wish delete the word “ordinance” from the new Section 215-27 and insert the word “by-law” at a future Town Meeting.

Article 2 - The amendments adopted under Article 2 add a new Section 215-28, “Solar Photovoltaic Installation Moratorium Bylaw,” to the Town’s zoning by-laws. The temporary moratorium (through one year from the date of enactment of Section 215-28) on solar photovoltaic installation other than those mounted on an existing structure provides as follows:

Whereas, the Town of Mount Washington is undertaking a comprehensive study with respect to regulating the use of land for Solar Photovoltaic Installations, and

Whereas, there have been significant changes in law regarding Solar Photovoltaic Installations; and,

Whereas, the Town wishes to act carefully in a field with evolving law and technology, to investigate ways to preserve the character of the community while serving the needs of its people, and to devise an orderly process for granting permits by drafting an amendment to the Bylaw which is comprehensive, practical, equitable, and addresses the concerns of the Town on number, size, appearance, site standards, and location of Solar Photovoltaic Installations; and,

Whereas, it is desired to protect the Town from ill-advised and inappropriate development of Solar Photovoltaic Installations pending a thorough review and the formulation of such a zoning amendment; and,

Whereas, the Planning Board has determined that one year is necessary for such a comprehensive review and development of a Bylaw Subsection on Solar Photovoltaic Installations.

Now, therefore, no Solar Photovoltaic Installations other than those mounted on an existing structure, in the usual manner, shall be permitted for one year from the date of enactment of this Bylaw.

We approve the temporary moratorium adopted under Article 2 because the Town has the authority to “impose reasonable time limitations on development, at least where those restrictions are temporary and adopted to provide controlled development while the municipality engages in comprehensive planning studies.” Sturges v. Chilmark, 380 Mass. 246, 252-253 (1980). Such a temporary moratorium is within the Town’s zoning power where there is a stated need for “study, reflection and decision on a subject matter of [some] complexity...” W.R.

Grace v. Cambridge City Council, 56 Mass. App. Ct. 559, 569 (2002) (City’s temporary moratorium on building permits in two districts was within city’s authority to zone for public purposes.) The time limit Mount Washington has selected for its temporary moratorium (one year from the date of enactment of the by-law) appears to be reasonable in the circumstances. The moratorium is limited in time period and scope (to the use of land and structures for solar photovoltaic installations), and thus does not present the problem of a rate-of-development bylaw of unlimited duration which the Zuckerman court determined was unconstitutional. Zuckerman v. Hadley, 442 Mass. 511, 512 (2004) (“[A]bsent exceptional circumstances not present here, restrictions of unlimited duration on a municipality’s rate of development are in derogation of the general welfare and thus are unconstitutional.”)

While we approve the temporary one year moratorium on solar photovoltaic installations, we note that G.L. c. 40A, § 3, protects solar energy systems and the building of structures that facilitate the collection of solar energy from certain local zoning requirements. General Laws Chapter 40A, Section 3, provides in pertinent part as follows:

No zoning ordinance or by-law shall prohibit or unreasonably regulate the installation of solar energy systems or the building of structures that facilitate the collection of solar energy, except where necessary to protect the public health, safety or welfare.

General Laws Chapter 40A, Section 3, prohibits towns from adopting zoning by-laws that prohibit or *unreasonably regulate* the installation of solar energy systems or the building of structures that facilitate the collection of solar energy, except where necessary to protect the public health, safety or welfare. A temporary moratorium longer than one year may be vulnerable to a challenge in court that it is an unreasonable regulation of solar energy systems under G.L. c. 40A, § 3. We suggest the Town consult closely with Town Counsel on this issue.

Note: Pursuant to G.L. c. 40, § 32, neither general nor zoning by-laws take effect unless the Town has first satisfied the posting/publishing requirements of that statute. Once this statutory duty is fulfilled, (1) general by-laws and amendments take effect on the date these posting and publishing requirements are satisfied unless a later effective date is prescribed in the by-law, and (2) zoning by-laws and amendments are deemed to have taken effect from the date they were approved by the Town Meeting, unless a later effective date is prescribed in the by-law.

Very truly yours,
MARTHA COAKLEY
ATTORNEY GENERAL
Kelli E. Gunagan
By: Kelli E. Gunagan
Assistant Attorney General
Municipal Law Unit
10 Mechanic Street, Suite 301
Worcester, MA 01608
(508) 792-7600

cc: Town Counsel Joel Bard (via electronic mail)



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OFFICE OF THE ATTORNEY GENERAL

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MAURA HEALEY
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February 23, 2015

Debra A. Bourbeau, Town Clerk
Town of Montague
1 Avenue A
Montague, MA 01376

**RE: Montague Special Town Meeting of October 29, 2014 - Case # 7451
Warrant Article # 17 (Zoning)**

Dear Ms. Bourbeau:

Article 17 - We approve Article 17 from the October 29, 2014 Montague Special Town Meeting. Article 17 amends several portions of the Town's zoning by-laws pertaining to site plan review.

1. Section 5.2 (d), Permitted Uses and Special Permits - Procedures

Section 5.2 (d) was deleted in its entirety and replaced with new text that provides as follows (with emphasis added):

All applications for Special Permits and Site Plan Review from the Board of Appeals or the Planning Board shall be subject to the procedural requirements established by the respective Board. The Board of Appeals or Planning Board may determine that the assistance of outside professional expertise is required due to the size, scale, or complexity of a given project or its potential impact on the health, safety, and welfare of the Town. When outside review is determined to be necessary, the Board may require the applicant pay all reasonable expenses for this purpose, in accordance with the Board's regulations and M.G.L. Chapter 44 Section 53G.

General Laws Chapter 44, Section 53G, authorizes zoning boards, planning boards, boards of health, and conservation commissions, acting under authority conferred by G.L. c. 40A, § 9 and 12, c. 41, § 81Q, c. 40B, § 21, c. 111; and c. 40, § 8C, to impose consultant review fees, to disburse the funds collected, and to return unused portions to the applicant. However, the Legislature did not include Boards acting under the authority conferred solely by a local law within the small class of local boards that enjoy the benefits of G.L. c. 44, § 53G. When the Board is reviewing a site plan application based solely on the authority granted under local law, it cannot avail itself of the provisions of G.L. c. 44, § 53G. We suggest that the Town discuss this issue in more detail with Town Counsel.

2. Section 7.5.2, Telecommunication Facilities - General Provisions

Section 7.5.2, was deleted in its entirety and replaced with new text that provides as follows:

Telecommunication Facilities may be allowed by Special Permit from the Board of Appeals pursuant to Sections 5.2 and Section 7.5. Conditions shall maximize the shared use of any new or existing structures to minimize the required number of such facilities; and shall minimize[e] adverse visual impacts through careful design, siting, and screening. No facility shall be located in a (RS) Residential District. (see: Section 2, Definitions).

Section 7.5.2 must be applied in a manner consistent with Section 6409 of the Middle Class Tax Relief and Job Creation Act of 2012, which requires that “[A] state or local government *may not deny, and shall approve*, any eligible facilities request for a modification of an existing wireless tower or base station that does not substantially change the physical dimensions of such tower or base station.” (emphasis added). The Act defines “eligible facilities request” as any request for modification of an existing wireless tower or base station that involves: 1) collocation of new transmission equipment; 2) removal of transmission equipment; or 3) replacement of transmission equipment. The Act applies “[n]otwithstanding section 704 of the Telecommunications Act of 1996.” The Act’s requirement that a local government “may not deny, and shall approve, any eligible facilities request” means that a request for modification to an existing facility that does not substantially change the physical dimensions of the tower or base station must be approved. Such qualifying requests also cannot be subject to a discretionary special permit.

The Town must apply Section 7.5.2 in a manner consistent with the applicable law outlined above. We also urge the Town to consult closely with Town Counsel regarding the appropriate response to applications for collocation in light of these recent amendments.

Note: Pursuant to G.L. c. 40, § 32, neither general nor zoning by-laws take effect unless the Town has first satisfied the posting/publishing requirements of that statute. Once this statutory duty is fulfilled, (1) general by-laws and amendments take effect on the date these posting and publishing requirements are satisfied unless a later effective date is prescribed in the by-law, and (2) zoning by-laws and amendments are deemed to have taken effect from the

date they were approved by the Town Meeting, unless a later effective date is prescribed in the by-law.

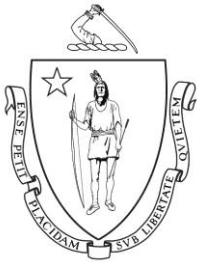
Very truly yours,

MAURA HEALEY
ATTORNEY GENERAL

Nicole B. Caprioli

By: Nicole B. Caprioli
Assistant Attorney General
Municipal Law Unit
10 Mechanic Street, Suite 301
Worcester, MA 01608
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nicole.caprioli@state.ma.us

cc: Town Counsel Gregg J. Corbo



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February 10, 2015

Trudy L. Reid, Town Clerk
Town of Lynnfield
55 Summer Street
Lynnfield, MA 01940

**RE: Lynnfield Fall Annual Town Meeting of October 20, 2014 - Case # 7408
Warrant Articles # 12, 13 and 14 (Zoning)
Warrant Articles # 16 and 17 (General)**

Dear Ms. Reid:

Articles 12, 13, 14, 16 and 17 - We approve Articles 12, 13, 14, 16 and 17 from the October 20, 2014 Lynnfield Fall Annual Town Meeting. Our comments regarding Article 14 are provided below.

Article 14 - Article 14 makes a number of changes to the Town's zoning by-laws pertaining to Radio Telecommunication Facilities (RTF) and Personal Wireless Service Facilities (PWSF) including adding new definitions to Section 2, amending Section 7.4, "Site Plan" to add a new sub-section 7.4A "Additional Requirements for Personal Wireless Service Facilities"; and amending Section 8, "Special Permits" to add a new sub-section 8.7, "Siting of Radio Telecommunications Facilities."

I. Applicable Law

The federal Telecommunications Act of 1996, 47 U.S.C. § 332 (7) preserves state and municipal zoning authority to regulate personal wireless service facilities, subject to the following limitations:

1. Zoning regulations "shall not unreasonably discriminate among providers of functionally equivalent services." 47 U.S.C. §332(7) (B) (i) (I)
2. Zoning regulations "shall not prohibit or have the effect of prohibiting the provisions of personal wireless services." 47 U.S.C. § 332 (7) (B) (i) (II).
3. The Zoning Authority "shall act on any request for authorization to place, construct, or modify personal wireless service facilities within a reasonable period of time." 47 U.S.C. § 332 (7) (B) (ii).

4. Any decision “to deny a request to place, construct, or modify personal wireless service facilities shall be in writing and supported by substantial evidence contained in a written record.” 47 U.S.C. § 332 (7) (B) (iii).
5. “No state or local government or instrumentality thereof may regulate the placement, construction and modification of personal wireless service facilities on the basis of the environmental effects of radio frequency emissions to the extent that such facilities comply with the [Federal Communications] Commission’s regulations concerning emissions.” 47 U.S.C. § 332(7) (B) (iv).

Federal courts have construed the limitations listed under 47 U.S.C. § 332(7) as follows. First, even a facially neutral by-law may have the effect of prohibiting the provision of wireless coverage if its application suggests that no service provider is likely to obtain approval. “If the criteria or their administration effectively preclude towers no matter what the carrier does, they may amount to a ban ‘in effect’...” Town of Amherst, N.H. v. Omnipoint Communications Enters, Inc., 173 F.3d 9, 14 (1st Cir. 1999).

Second, local zoning decisions and by-laws that prevent the closing of significant gaps in wireless coverage have been found to effectively prohibit the provision of personal wireless services in violation of 47 U.S.C. § 332(7). See, e.g., Nat’l Tower, LLC v. Plainville Zoning Bd. of Appeals, 297 F.3d 14, 20 (1st Cir. 2002) (“local zoning decisions and ordinances that prevent the closing of significant gaps in the availability of wireless services violate the statute”); Omnipoint Communications MB Operations, LLC v. Town of Lincoln, 107 F. Supp. 2d 108, 117 (D. Mass. 2000) (by-law resulting in significant gaps in coverage within town had effect of prohibiting wireless services).

Third, whether the denial of a permit has the effect of prohibiting the provision of personal wireless services depends in part upon the availability of reasonable alternatives. See 360 Degrees Communications Co. v. Bd. of Supervisors, 211 F.3d 79, 85 (4th Cir. 2000). Zoning regulations must allow cellular towers to exist somewhere. Towns may not effectively ban towers throughout the municipality, even under the application of objective criteria. See Virginia Metronet, Inc. v. Bd. of Supervisors, 984 F. Supp. 966, 971 (E.D. Va. 1998).

State law also establishes certain limitations on a municipality’s authority to regulate wireless communications facilities and service providers. Under General Laws Chapter 40A, Section 3, wireless service providers may apply to the Department of Telecommunications and Cable for an exemption from local zoning requirements. If a telecommunication provider does not apply for or is not granted an exemption under c. 40A, § 3, it remains subject to local zoning requirements pertaining to cellular towers. See Building Comm’r of Franklin v. Dispatch Communications of New England, Inc., 48 Mass. App. Ct. 709, 722 (2000). Also, G.L. c. 40J, § 6B, charges the Massachusetts Broadband Institute with the task of promoting broadband access throughout the state. Municipal regulation of broadband service providers must not frustrate the achievement of this statewide policy.

In addition, Section 6409 of the Middle Class Tax Relief and Job Creation Act of 2012 requires that “[A] state or local government *may not deny, and shall approve*, any eligible

facilities request for a modification of an existing wireless tower or base station that does not substantially change the physical dimensions of such tower or base station.” (emphasis added). The Act defines “eligible facilities request” as any request for modification of an existing wireless tower or base station that involves: 1) collocation of new transmission equipment; 2) removal of transmission equipment; or 3) replacement of transmission equipment. The Act applies “[n]otwithstanding section 704 of the Telecommunications Act of 1996.” The Act’s requirement that a local government “may not deny, and shall approve, any eligible facilities request” means that a request for modification to an existing facility that does not substantially change the physical dimensions of the tower or base station must be approved. Such qualifying requests also cannot be subject to a discretionary special permit.

The Town must apply Article 14 in a manner consistent with the applicable law outlined above. In particular, Section 8.7.5.1 requires that PWSF may only be erected upon the grant of a special permit. The Town cannot apply this requirement to eligible facilities requests for modification to existing facilities that qualify for required approval under Section 6409 of the Act. We also urge the Town to consult closely with Town Counsel regarding the appropriate response to applications for collocation in light of these recent amendments.

II. Section 8.7, Siting of Radio Telecommunications Facilities

A. Section 8.7.2, Purpose

Section 8.7.2 provides that the purpose of the by-law is to establish general guidelines for the siting of RTFs. Section 8.7.2 (4) establishes one of the by-law’s goals as “[t]o make all RTF locations available for municipal agencies use where feasible.”

It is unclear whether Section 8.7.2 (4) would require the Town’s use of the RTF, and whether such use would be compensated or uncompensated. When applying the by-law, the Town cannot require an applicant to transfer property to the public without fair compensation. “The Fifth Amendment to the United States Constitution, made applicable to the States through the Fourteenth Amendment, provides that private property shall not ‘be taken for public use, without just compensation.’” This protection is “designed to bar Government from forcing some people alone to bear public burdens which, in all fairness and justice, should be borne by the public as a whole.” Giovanella v. Conservation Commission of Ashland, 447 Mass. 720, 724 (2006) (*quoting* Armstrong v. United States, 364 U.S. 40, 49 (1960)). More recently, the court in Collins v. Stow, 79 Mass. App. Ct. 447 (2011) ruled that a town cannot condition subdivision approval on the dedication of open space for public use and actual conveyance of the land to the Town in exchange for waivers. “Although a planning board’s authority under the subdivision control law certainly encompasses, in appropriate circumstances, requiring open space, it does not extend to requiring the transfer of that open space to the public for reasons unrelated to adequate access and safety of the subdivision without providing just compensation.” *Id.* at 453. We suggest that the Town consult with Town Counsel regarding the proper application of Section 8.7.2 (4).

B. Section 8.7.5.4, General

Section 8.7.5.4.1 provides in relevant part that:

An undertaking shall be required, secured by a BOND appropriate in form and amount for removal of the PWSF within 6 months of cessation of operation of said facility or such other activity which may be appropriate to prevent the structures from becoming a nuisance or aesthetic blights.

The Town must apply any bond proceeds in a manner consistent with state law. Bond proceeds do not become Town funds unless and until the applicant defaults on the obligation under the by-law. Moreover, if the Town must use the bond to pay for removal of a PWSF or for other activity to prevent nuisance or blight, an appropriation is required before expenditure is made to do the work. General Laws Chapter 44, Section 53, provides that “[a]ll moneys received by a city, town or district officer or department, except as otherwise provided by special acts and except fees provided for by statute, shall be paid by such officers or department upon their receipt into the city, town or district treasury.” Under Section 53 all moneys received by the Town become a part of the general fund, unless the Legislature has expressly made other provisions that are applicable to such receipt. In the absence of any general or special law to the contrary, performance security funds of the sort contemplated here must be deposited with the Town Treasurer and made part of the Town’s general fund, pursuant to G.L. c. 44, § 53. The Town must then appropriate the money for the specific purpose of completing the work required for removal and/or other activities. The Town should consult with Town Counsel regarding the proper application of Section 8.7.5.4.

C. Section 8.7.5.5, Application Procedures

Section 8.7.5.5 pertaining to the Special Permit application provides in relevant part, that:

The Application Phase of the process begins with the receipt by the SPGA of a complete application including all materials required by the Zoning Bylaw and any applicable regulations.

Within 30 days of receipt, the SPGA or its designee shall review the application for consistency and completeness with respect to the Application Requirements in the bylaw and any applicable regulations and shall notify the Applicant in writing of any deficiency in the completeness of the application.

The SPGA shall take regulatory notice of the Federal Communications Commission (FCC) presumption that the final action of the SPGA on a new Antenna Tower should take no more than 150 days from the date of receipt of the completed application, and that final action on a Collocation or Site Sharing application should take no more than 90 days from the date of receipt of the completed application except upon written

extension of these timelines by mutual agreement between the SPGA and the Applicant.

Section 8.7.5.5 must be applied in a manner consistent with the time limits established in G.L. c. 40A, § 9. General Laws Chapter 40A, Section 9, requires that the special permit granting authority “shall hold a public hearing for which notice has been given as provided in section eleven, on any application for a special permit within sixty-five days from the date of filing of such application. . . . The decision of the special permit granting authority shall be made within ninety days following the date of such public hearing. . . . Failure by the special permit granting authority to take final action within . . . ninety days . . . shall be deemed to be a grant of the special permit.” (emphasis added).

Pursuant to G.L. c. 40A, § 9, the filing of a special permit application “starts the clock” on the time period within which the special permitting authority must act. Section 8.7.5.5 cannot be applied in a manner that “starts the clock” only when a *completed* application is filed. The Town must apply Section 8.7.5.5 consistent with G.L. c. 40A, § 9. See Massachusetts Broken Stone Co. v. Town of Weston, 430 Mass. 637, 642 (2000). The Town should consult with Town Counsel regarding the proper application of Section 8.7.5.5.

Note: Pursuant to G.L. c. 40, § 32, neither general nor zoning by-laws take effect unless the Town has first satisfied the posting/publishing requirements of that statute. Once this statutory duty is fulfilled, (1) general by-laws and amendments take effect on the date these posting and publishing requirements are satisfied unless a later effective date is prescribed in the by-law, and (2) zoning by-laws and amendments are deemed to have taken effect from the date they were approved by the Town Meeting, unless a later effective date is prescribed in the by-law.

Very truly yours,

MAURA HEALEY
ATTORNEY GENERAL

Nicole B. Caprioli

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Assistant Attorney General
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cc: Town Counsel Thomas Mullen

CITY OF CAMBRIDGE, MASSACHUSETTS
P L A N N I N G B O A R D
CITY HALL ANNEX, 344 BROADWAY, CAMBRIDGE

January 27, 2016

To: The Board of Zoning Appeal

From: The Planning Board

RE: BZA #9059- 2016, 1815 Massachusetts Avenue

The Planning Board reviewed the Special Permit application for the communication antenna at Lesley University and finds that the proposals are no worse than the current installations. The Planning Board does suggest that the antennas be located in such a way as to not break the roof line when viewed from the street, and that they be painted to match the facades. For example to match either the red brick or the gray stone band around the top of the tower.



City of Cambridge

MASSACHUSETTS

BOARD OF ZONING APPEAL

831 Mass Avenue, Cambridge, MA.
(617) 349-6100



2013 00231979

Bk: 62872 Pg: 5 Doc: DECIS
Page: 1 of 6 11/01/2013 09:24 AM

NOTICE OF DECISION

DECISION FILED WITH THE OFFICE OF THE CITY CLERK ON OCT 11 2013

Any person aggrieved by a decision of the Board of Zoning Appeal may appeal to the Superior Court or Land Court. Appeals, if any, shall be made pursuant to Section 17, Chapter 40A, Massachusetts General Laws and shall be filed within twenty calendar days from the above date, and a copy thereof shall be filed with the Cambridge City Clerk's office by that same date.

PREMISES: 330 (a/k/a 300) Mount Auburn Street ^{Owner:} Mount Auburn Hospital
Cambridge, MA

PETITIONER: New Cingular Wireless PCS, LLC ("AT&T")
C/o David Ford, Centerline Communications

PETITION: Special Permit: To install twelve (12) antennas which will be façade mounted to the existing hospital building painted to match the building color. Fifteen (15) remote radio-heads units (RRU's) will be mounted inside of the existing penthouse on the rooftop. An equipment shelter will be installed on the rooftop of house ancillary equipment associated with the antenna facility. Cabling and associated trays and conduits also will be placed on the rooftop, along with GPS antennas which will be mounted on the shelter.

DECISION:  **GRANTED**

48678-259

CASE NO: 10480

*For full details, please refer to the decision available at Inspectional Services Dept.



City of Cambridge

MASSACHUSETTS

BOARD OF ZONING APPEAL

831 Mass Avenue, Cambridge, MA.
(617) 349-6100

OCT 11 2013

Centerline Communications, LLC
C/o David Ford
95 Ryan Drive, Suite 1
Raynham, MA 02767

Case No. 10480

Dear: Mr. Ford,

We enclose the decision of the Board of Zoning Appeal as it pertains to the premises located at 330 (a/k/a 300) Mt. Auburn Street, Cambridge, Mass.

A copy of this decision has been filed with office of the City Clerk, this date. When twenty days have passed you **MUST**:

1. HAVE THIS DECISION COMPLETED AND SIGNED BY THE CITY CLERK, CITY HALL – 795 Mass Avenue, Cambridge, Ma. (In the space provided on the decision)
 2. FILE THE DECISION WITH THE REGISTRY OF DEEDS
Middlesex County Courthouse, 208 Cambridge Street, Cambridge, MA. (There is usually a fee, payable to the Registry of Deeds and the book and page number is required by the Registry).
 3. SUPPLY THE BOARD OF ZONING APPEAL WITH DOCUMENTATION OF SUCH FILING – (with the Registry of Deeds).
- THE DIVISION OF INSPECTIONAL SERVICES WILL NOT ISSUE BUILDING PERMITS
 - UNLESS THE ABOVE ITEMS HAVE BEEN COMPLETED.

Any person aggrieved by a decision of the Board of Zoning Appeal may appeal to the Superior Court or Land Court. Appeals, if any, shall be made pursuant to Section 17, Chapter 40A, Massachusetts General Laws and shall be filed within twenty days of the above date, and a copy thereof shall be filed with the Cambridge City Clerk's office by that same date.

If you have any questions, please phone me at 349-6100.

Sincerely yours,


Maria L. Pacheco
Secretary

Section 10.35 of the Zoning Ordinances:

If the rights authorized by a variance are not exercised within one year of the date of granting of such variance (two years for a special permit), they shall lapse and may be reestablished only after notice and new hearing pursuant to this Section 10.30.



City of Cambridge

MASSACHUSETTS

BOARD OF ZONING APPEAL

831 Mass Avenue, Cambridge, MA.

(617) 349-6100

2013 OCT 11 AM 10 50

OFFICE OF THE CITY CLERK
CAMBRIDGE, MASSACHUSETTS

CASE NO: 10480

LOCATION: 330 (a/k/a 300) Mt. Auburn St. Residence C-1/C-3 Zone
Cambridge, MA

PETITIONER: NEW CINGULAR WIRELESS PCS, LLC ("AT&T")
C/o DAVID FORD, CENTERLINE COMMUNICATIONS

PETITION: Special Permit: To install twelve (12) antennas which will be façade mounted to the existing hospital building painted to match the building color. Fifteen (15) remote radio-head unit (RRU's) will be mounted inside of the existing penthouse on the rooftop. An equipment shelter will be installed on the rooftop of house ancillary equipment associated with the antenna facility. Cabling and associated trays and conduits also will be placed on the rooftop, along GPS antennas which will be mounted on the shelter.

VIOLATION: Art. 4.000, Sec. 4.32.G.1 (Footnote 49) (Telecommunication Facility).
Art. 10.000, Sec. 10.40 (Special Permit).

DATE OF PUBLIC NOTICE: August 1 & 8, 2013

DATE OF PUBLIC HEARING: August 15, 2013

MEMBERS OF THE BOARD:

CONSTANTINE ALEXANDER – CHAIR
TIMOTHY HUGHES – VICE-CHAIR
BRENDAN SULLIVAN
THOMAS SCOTT
JANET O. GREEN

ASSOCIATE MEMBERS:

DOUGLAS MYERS
SLATER W. ANDERSON
LINDSEY T. THORNE-BINGHAM
ANDREA A. HICKEY

Members of the Board of Zoning Appeal heard testimony and viewed materials submitted regarding the above request for relief from the requirements of the Cambridge Zoning Ordinance. The Board is familiar with the location of the petitioner's property, the layout and other characteristics as well as the surrounding district.

Case No. 10480
Location: 330 (300) Mt. Auburn Street
Petitioner: New Singular Wireless PCS (AT&T) c/o David Ford

On September 12, 2013, Petitioner David Ford appeared before the Board of Zoning Appeal with his attorney Susan Roberts requesting a special permit in order to install twelve antennas façade mounted to the existing hospital building and painted to match, to install fifteen remote radio-head units mounted inside the existing penthouse, to install an equipment shelter on the roof, to install cabling, associated trays and conduits on the rooftop, and to install GPS antennas on the shelter. The Petitioner requested relief from Article 4, Section 4.32.G.1 of the Cambridge Zoning Ordinance (“Ordinance”). The Petitioner submitted application materials including information about the project, plans, and photographs.

Ms. Roberts stated that the design had been modified in order to reduce visual impacts. She stated that the equipment shelter had been moved out of view and that the antennas had been mounted parallel to each other on low profile mounts and painted to match the building. She stated that the property was in a residential zone, but that residential uses did not predominate in the area, which was largely hospital grounds and the highway. She stated that the Petitioner was FCC licensed and that the installation was needed to fill gaps in coverage.

The Chair asked if anyone wished to be heard on the matter, no one indicated such.

After discussion, the Chair moved that the Board grant the special permit for relief in order to install twelve antennas façade mounted to the existing hospital building and painted to match, to install fifteen remote radio-head units mounted inside the existing penthouse, to install an equipment shelter on the roof, to install cabling, associated trays and conduits on the rooftop, and to install GPS antennas on the shelter based on the finding that the Petitioner was a duly licensed federal telecommunications carrier in good standing. The Chair moved that the Board find that the Petitioner had taken steps to minimize the visual impact of the various elements of the proposed facility. The Chair moved that the Board find that the plans had been revised and went a long way toward minimizing visual impacts. The Chair moved that the Board find that there was a public need for the facility at the proposed location due to lapses in coverage, which would be corrected with the proposed antennas. The Chair moved that the Board find that there were no alternative functionally suitable sites in nonresidential locations. The Chair moved that the Board find that the property was not in an area where there were many large buildings that could support the installation of the equipment. The Chair moved that the Board find that nonresidential uses predominated in the vicinity of the proposed location and that the telecommunication facility was not inconsistent with the character that did prevail in the surrounding neighborhood. The Chair moved that the Board find that the proposed use would not cause congestion, hazard, or substantial change in established neighborhood

The Board of Zoning Appeal is empowered to waive local zoning regulations only. This decision therefore does not relieve the petitioner in any way from the duty to comply with local ordinances and regulations of the other local agencies, including, but not limited to the Historical Commission, License Commission and/or compliance with requirements pursuant to the Building Code and other applicable codes.



Constantine Alexander, Chair

Attest: A true and correct copy of decision filed with the offices of the City Clerk and Planning Board on 10/11/13 by Marie Jackson, Clerk.

Twenty days have elapsed since the filing of this decision.

No appeal has been filed ✓.

Appeal has been filed and dismissed or denied.

Date: Nov. 1, 2013 _____ Donna P. Lopez City Clerk.