

COMMONWEALTH OF MASSACHUSETTS  
CITY OF CAMBRIDGE

IN RE: POLE AND CONDUIT COMMISSION HEARING

POLE AND CONDUIT COMMISSION BOARD MEMBERS:

RICHARD SCALI, Chairman

WILLIAM DWYER, Superintendent of Streets

GEORGE FERNANDES, City Electrician

STAFF:

ELIZABETH Y. LINT, Executive Officer

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AT: Michael J. Lombardi Municipal Building  
831 Massachusetts Avenue  
Basement Conference Room  
Cambridge, Massachusetts 02139

DATE: Thursday, September 23, 2010

TIME: 10:10 a.m. to 10:33 a.m.

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**INDEX OF AGENDA PROCEEDINGS**

<b><u>AGENDA MATTERS</u></b>	<b><u>PAGE</u></b>
CCG Communications, LLC, 6 Technology Park	3
NStar Electric and Gas Company	5
New Petition: R.W. Hyde Construction	7
New Application: Comcast 55 Concord Street, North Reading, MA	20
New Application: Comcast 55 Concord Street, North Reading, MA	25
New Application: Comcast 55 Concord Street, North Reading, MA	28

P R O C E E D I N G S

ELIZABETH LINT: Okay. It's the meeting of the Pole and Conduit Commission, Thursday, September 23, 2010. It's 10:10 a.m.

We are in the Michael J. Lombardi Municipal building, 831 Mass Ave, basement conference room. Before you are the Commissioners: Chairman Richard Scali, Bill Dwyer and George Fernandes.

RICHARD SCALI: All right. Good morning, everyone.

Are there any Cambridge residents here? Anybody who is a Cambridge resident? Okay.

Let's go to our agenda items continued from August 24. CCG Communications installing 144 count fiber optic cable in Verizon conduit, corner of Broadway to Galileo Way and Broadway.

Come on up. CCG.

JEFF HARRINGTON: Good morning.

RICHARD SCALI: Tell us your name for the record, please.

JEFF HARRINGTON: Jeff Harrington, CCG Communications.

RAQUEL GRAVALESSE: Raquel Gravalesse from CCG Communications.

RICHARD SCALI: All right. So we continued this last time. Refresh my memory. Tell us the reason why we continued it. Oh, waiting on Verizon?

RAQUEL GRAVALESSE: We're still waiting on Verizon.

RICHARD SCALI: Still waiting.

RAQUEL GRAVALESSE: It's in the final stages.

RICHARD SCALI: Almost there.

RAQUEL GRAVALESSE: Almost there.

RICHARD SCALI: You need maybe one more continuation, is that what you would prefer, Commissioners?

WILLIAM DWYER: Yes.

GEORGE FERNANDES: Yep.

RICHARD SCALI: All right. Motion then to continue until we get the Verizon

permit moved.

WILLIAM DWYER: Seconded.

RICHARD SCALI: All in favor?

GEORGE FERNANDES: Yes.

WILLIAM DWYER: Yes.

RICHARD SCALI: All right. Thank you very much.

JEFF HARRINGTON: Thank you.

RICHARD SCALI: New petition from NStar for Trowbridge Street, northeasterly from manhole, I guess, at Mass Avenue, 82 feet of conduit.

JACQUI DUFF: I forgot to tell you, MHC instead of HMC.

RICHARD SCALI: Yeah, it doesn't look right. Okay.

JACQUI DUFF: This is for a new underground service for a commercial residential building, but we don't know about Comcast or Verizon right now.

RICHARD SCALI: So new residential building on Trowbridge Street.

WILLIAM DWYER: Trowbridge is right near Mass Ave.

RICHARD SCALI: Does Verizon or Comcast know anything about this?

JACQUI DUFF: I emailed them today. I haven't heard anything.

WILLIAM DWYER: You know, the developer still needs to work out some issues with the building itself and some other topics, so probably a month continuance wouldn't be a bad idea at this point.

RICHARD SCALI: So Comcast and Verizon, you can work on that. I guess you have to wait for them to apply to you, I realize, but...

Is anybody here that wants to speak on this matter?

Motion then to continue.

GEORGE FERNANDES: Second.

RICHARD SCALI: Moved and seconded. All in favor?

WILLIAM DWYER: Yes.

RICHARD SCALI: Waiting on Verizon and Comcast applications.

All right. Let's see. Anything else from NStar?

JACQUI DUFF: No.

RICHARD SCALI: You don't have anything else on today?

JACQUI DUFF: No.

RICHARD SCALI: New petition from RW Hyde Construction contracted to install small underground conduit rear parking lot on 10 Moulton to private property parking lot at 617 Concord Avenue under Fawcett Street, ten feet to 12 feet below asphalt into the parking garage at 10 Fawcett. This would be used to carry fiber optic cable to connect BBN Technology main campus to the BBN offices and then the explanation as to what that would be.

Hyde?

RICHARD CANALES: Yes.

RICHARD SCALI: Why is that you are applying? You're not going to own this conduit, right?

RICHARD CANALES: Yes, we are.

RICHARD SCALI: You're going to own the conduit and maintain it?

RICHARD CANALES: BBN -- Richard

Canales, Hyde Construction and --

RICHARD SCALI: Your name again?

RICHARD CANALES: Richard Canales.

RICHARD SCALI: You're from Hyde?

RICHARD CANALES: I'm from Hyde Construction, yes, and Dick Rourke is representing Raytheon BBN.

RICHARD SCALI: So I guess I need to make sure I have the right applicant because the applicant is the person who's gonna own and maintain the conduit and therefore pay our maintenance fee of \$8,500 a year.

RICHARD ROURKE: That would be Raytheon BBN.

RICHARD SCALI: Okay. So they actually got the wrong applicant on here. It should be Raytheon.

ELIZABETH LINT: I did talk to you about this one.

WILLIAM DWYER: You might have.

RAQUEL GRAVALESSE: Yeah, I was confused about that, so...

WILLIAM DWYER: Did I advise you to put down Hyde?

RAQUEL GRAVALESSE: Yes.

GEORGE FERNANDES: It should be the building owner.

RICHARD SCALI: The building --

GEORGE FERNANDES: Not BBN, building owner.

RICHARD SCALI: Who is the owner of the building?

MARSHALL MEKS: The owner of the building we're connected to is Synergy and we --

RICHARD SCALI: Tell us your name first, I'm sorry.

MARSHALL MEKS: Marshall Meks.

RICHARD SCALI: And you're with?

MARSHALL MEKS: RW Hyde  
Construction.

RICHARD ROURKE: We're going from a building owned by Intercontinental Fund 3 over to 10 Fawcett Street owned by Synergy.

WILLIAM DWYER: George's point is if the building gets sold, the owner of the building is gonna own the conduit.

GEORGE FERNANDES: Yeah, they're a

tenant, they leave, no one owns the conduit, it's abandoned. I'm searching for one right now, can't find the owner.

RICHARD ROURKE: I see.

GEORGE FERNANDES: If the building owner applies for it then the building is always going to be responsible for that conduit, public way. Private property I don't have an issue with.

MARSHALL MEKS: Yes, but we were told on our application, we went to Synergy and they signed the application for the permit to take ownership of it, I believe.

RICHARD SCALI: Who is the conduit to benefit, Synergy?

MARSHALL MEKS: The conduit is to benefit BBN.

RICHARD ROURKE: BBN.

RICHARD SCALI: BBN rents that space?

RICHARD ROURKE: Yes. It rents both the Intercontinental spaces --

RICHARD SCALI: Maybe it should be BBN and the building -- who owns the

building?

MARSHALL MEKS: Intercontinental owns the main campus and then they rent another space that Synergy owns.

RICHARD SCALI: So what happens is whoever puts that conduit in has to own and maintain that conduit forever as long as its in there.

So if you leave, we got a conduit in the ground that no one's gonna maintain, so maybe it should be BBN and Intercontinental that applies as co-applicants.

GEORGE FERNANDES: Okay.

RICHARD SCALI: Then, of course, there's an our maintenance fee, which is \$8,500 a year, which is for as long as that conduit is in the ground so make sure whoever applies is okay with that fee.

Normally, it's the utility company that applies and they have numerous conduits in the city so that...

RICHARD ROURKE: Right. Will we have to start a new request to you then?

RICHARD SCALI: You have to have a

reapplication, yeah, on the --

MARSHALL MEKS: I think we have all the information. We have the signature from both building owners.

RICHARD SCALI: Uh-huh. And did you notify abutters?

MARSHALL MEKS: Yes.

RICHARD CANALES: Yes.

Richard, when you say they have to maintain that conduit, say ten years from now their lease expires or whatever, if they physically pull the fiber out of the conduit is that considered?

RICHARD SCALI: No, the conduit is still in the ground then. It's still in the ground. So if that collapses or it's damaged or -- who is gonna fix it? Not the city. That's the issue.

So I don't know -- is Intercontinental -- do you know if Intercontinental is willing to co -- be a co-applicant?

RICHARD ROURKE: I don't know. I would have to ask them.

RICHARD SCALI: That's the issue really. Even if we change it on there, we may have to make sure they are okay with that.

What you should do is go back to Intercontinental, all you need to do is actually just fix what you already have on here, either put both of you on there or one of you on there, and if it's one of you then we need to have a plan for what happens if you should leave as to who will maintain it.

MARSHALL MEKS: At the point BBN would leave, if we pulled the conduit out, then the \$8,500 is terminated because what we're talking about -- what we're talking about doing in this job is drilling a hole under the street and pulling a two-inch conduit through. So that's something that can be 10, 20, 30 -- BBN has been there since the '60s. And it can certainly be withdrawn and pulled back out.

RICHARD SCALI: How do you feel about --

GEORGE FERNANDES: There's no

guaranty that that happens.

WILLIAM DWYER: The conduit is probably gonna stay. You can pull your fiber out, but you will not be pulling conduit out.

MARSHALL MEKS: I guess the question is does the conduit -- does the \$8,500 carry on forever? If at the point BBN goes to Burlington, we're paying \$8,500 for what the next 100 years?

RICHARD SCALI: That's the idea. But if you pull it out, how do we make you pull it out?

MARSHALL MEKS: We have to pay you \$8,500 every year that we leave it in if we're not there.

GEORGE FERNANDES: That's why we put it on the building owner.

MARSHALL MEKS: I see. I see.

RICHARD SCALI: Generally it's not one company with one small conduit that applies. We have -- it's bigger utility companies that come in that pay that fee that is spread out over a number of expenses.

MARSHALL MEKS: It's spread out over

every intersection, every street corner all around the state. It's a lot of money. It's a lot of money.

RICHARD SCALI: That's why we don't generally recommend that a private entity own the conduits.

GEORGE FERNANDES: Did you look at leasing conduit?

RICHARD ROURKE: Well, we did briefly, but that seemed like it would be more problematic. This may be more problematic than leasing actually.

GEORGE FERNANDES: If you lease it, you're in it until you don't need it anymore, and the conduit reverts back to the owner, which is either going to be Comcast or Verizon.

RICHARD ROURKE: Yeah.

RICHARD SCALI: Did you know if there's conduit there?

GEORGE FERNANDES: Well, they are both fed underground from Concord Avenue, so...

RICHARD SCALI: There's probably

something already there.

RICHARD ROURKE: Okay.

RICHARD SCALI: It might be cheaper in the end actually.

GEORGE FERNANDES: I had talked to somebody months and months ago about it, and I went through all of that with this person, but I don't remember the person's name and then I hadn't heard from them for months until I think I heard from --

MARSHALL MEKS: Okay.

GEORGE FERNANDES: So I told them they would be much better off if they could lease a conduit rather than own it.

RICHARD CANALES: Say we do go ahead and fill this -- same paperwork out and getting BBN and Intercontinental as the owner of this, do you see any issues moving forward?

RICHARD SCALI: That's --

WILLIAM DWYER: Constructability, we would need to talk to you about constructability, why you want to go so deep and how are you going to do this directional

drilling and things of that nature. But you have a process that's been successful in the past. I don't see where there would be issues with that.

MARSHALL MEKS: We just want to make sure at the street level that we go under everything.

WILLIAM DWYER: You don't usually get utility companies that want to do that. Everybody wants to go as high as they can.

MARSHALL MEKS: Because we're drilling, you know, depth is not an issue.

WILLIAM DWYER: Okay. Probably -- I don't foresee any problems with that.

RICHARD SCALI: But maybe you're not even going to do that at all if you're going to lease. So, maybe you don't have to worry about that process at all if you lease something that's already there.

RICHARD CANALES: We're looking for a little help here. How would you go about leasing? Is there someone you contact that could help us?

GEORGE FERNANDES: Verizon and you

could try Comcast.

MARSHALL MEKS: Verizon or Comcast?

GEORGE FERNANDES: Yeah.

MARSHALL MEKS: Is there a name or number 'cuz I think we --

RICHARD SCALI: The Comcast representative is right here, he can help you. Verizon is right there, too.

No. Verizon is not here.

JACQUI DUFF: Verizon is not here.

GEORGE FERNANDES: If you call my office, we have some names and numbers.

RICHARD SCALI: We have some names upstairs here, too, if you don't -- we'll give you a contact person.

RICHARD CANALES: I think we're gonna try that. If not, we may go back to the underground borings.

Would we have to sit at another meeting next month?

RICHARD SCALI: Yeah. You have to be here next month because we need to make sure that the process you pick is gonna work.

So motion then is to reapply either

to lease or to amend the application for BBN and landlord to apply.

Moved and seconded.

All in favor?

WILLIAM DWYER: Yes.

GEORGE FERNANDES: Yes.

RICHARD SCALI: We'll help you as much as we can.

RICHARD CANALES: Great. Thank you.

RICHARD SCALI: It's not a matter --

RICHARD CANALES: If we do decide to lease through Comcast or Verizon, is there a permit involved with that?

RICHARD SCALI: Yeah, that's what the people before you are waiting on. The Verizon process may take awhile. That's the issue. The leasing sometimes takes them awhile.

RICHARD CANALES: What's awhile? Best guess, months? Years?

JEFF HARRINGTON: 145 days.

MARSHALL MEKS: Is Comcast much faster?

RICHARD SCALI: Is Comcast faster?

ANTHONY VATALARO: Yes.

GEORGE FERNANDES: He's faster, but he's a little bit more expensive.

ANTHONY VATALARO: I don't know about that.

RICHARD ROURKE: We'll get back to you with the right people.

RICHARD SCALI: New application: Comcast for trench in public way existing manhole, Third and Canal Street, manhole is at the mouth of canal.

ANTHONY VATALARO: Hello. Good morning.

RICHARD SCALI: How are you?

ANTHONY VATALARO: Good.

RICHARD SCALI: Tell us your name for the record, please.

ANTHONY VATALARO: Anthony Vatalaro, Comcast.

RICHARD SCALI: All right. So this is a Third Street and Canal. What is the reason for this?

ANTHONY VATALARO: This is to get service into One Broadway.

RICHARD SCALI: They don't have service there?

ANTHONY VATALARO: No, we don't have Comcast in that building.

RICHARD SCALI: Is this the most logical way, gentlemen?

ANTHONY VATALARO: Well, just so you know, I did it to try and stay off of Third Street because Third Street is new. I do have a manhole at the corner of Broadway and Third, so I figured this would be the least impact to the street. And that manhole I'm showing is actually it's closer -- it's actually where the crosswalk would be on Canal Street. It's not in the middle of Third Street. It's actually on Canal Street.

RICHARD SCALI: Okay.

GEORGE FERNANDES: This bump-out there, this is Third Street. He's within the sidewalk of Canal intersection, so he's gonna go across.

RICHARD SCALI: You're not going to go across the walkway?

ANTHONY VATALARO: Yes. It's

gonna --

RICHARD SCALI: It will go across the walkway.

GEORGE FERNANDES: But at least he's not out in Third Street.

RICHARD SCALI: Okay.

WILLIAM DWYER: Don't we have 1,000 conduits in that sidewalk?

ANTHONY VATALARO: Yes.

RICHARD SCALI: Close to it.

ANTHONY VATALARO: So Canal is paved ten feet in from Third newly paved, so I would be --

RICHARD SCALI: Cutting up a new street.

GEORGE FERNANDES: There would be a hole in Canal Street.

ANTHONY VATALARO: But it's not on Third.

RICHARD SCALI: Whatever the paved section is. What is your pleasure, Mr. Dwyer?

WILLIAM DWYER: Referring to this particular one, I didn't get a chance to look

at it.

GEORGE FERNANDES: Is Canal --

ANTHONY VATALARO: Canal is private. Privately owned, but I did speak with JR about it.

GEORGE FERNANDES: Is it accepted?

WILLIAM DWYER: This is still -- could be accepted public way.

ANTHONY VATALARO: Well, I think the first ten feet is.

WILLIAM DWYER: Yeah, but it doesn't meet the spec, though. He's not quite as far back of sidewalk on Third.

Right now is that a new manhole you propose?

ANTHONY VATALARO: No.

WILLIAM DWYER: The manhole is existing.

ANTHONY VATALARO: Existing.

RICHARD SCALI: You want to look at it further?

WILLIAM DWYER: No. I do know where it has to go.

I don't know if I've seen a manhole,

that's why I asked him if there was one existing already. If you come out of your own manhole and you're only going 20 feet, that's something we can handle. I'm fine with it really. There are so many conduits in that sidewalk that aren't being used, it's a shame.

RICHARD SCALI: Don't want to lease one?

ANTHONY VATALARO: I don't think there's any connectivity to my manhole.

GEORGE FERNANDES: Probably not.

WILLIAM DWYER: I'm fine with this, Commissioner.

RICHARD SCALI: All right. If Dwyer is happy, I'm happy.

WILLIAM DWYER: Permit and SPOF regulations apply?

RICHARD SCALI: You okay with it, Mr. Fernandes?

GEORGE FERNANDES: Yes.

RICHARD SCALI: Motion then to approve with permits and SPOF. Moved.

WILLIAM DWYER: Moved.

RICHARD SCALI: Seconded.

All in favor?

GEORGE FERNANDES: Yes.

WILLIAM DWYER: Yes.

RICHARD SCALI: Okay. New applications for Comcast for trench 20 feet in the public way from existing Comcast manhole in front of 288 Norfolk Street which includes the sidewalk.

Is this an upgrade to a house?

ANTHONY VATALARO: No, it's actually -- there's a commercial building there on the corner, it's 284-288 Norfolk Street there's a couple of tenants in there looking for service, and we don't have service into that building either. It's a commercial product. That's why. We didn't have commercial products in the past. So that's why a lot of these commercial sites are coming up.

RICHARD SCALI: Okay.

GEORGE FERNANDES: You have no concern with the abutter here, right?

ANTHONY VATALARO: Well, I don't think they do because they didn't accept my

letter (*indicating*).

GEORGE FERNANDES: That's your driveway.

RICHARD SCALI: Ah, that's right near you.

ANTHONY VATALARO: I told my boss I would hand deliver it to you.

RICHARD SCALI: That little side street there.

WILLIAM DWYER: We could talk some turkey here now, couldn't we?

RICHARD SCALI: We have a nice smooth surface going into your driveway.

WILLIAM DWYER: I have seen that. We're okay with this.

RICHARD SCALI: SPOF and permits?

WILLIAM DWYER: Yes, same restrictions as --

ANTHONY VATALARO: So will this be regular business hours?

WILLIAM DWYER: As far as when you would do the work?

ANTHONY VATALARO: Yeah.

WILLIAM DWYER: We have to look at

it through the permit. We'll see. Probably not.

ANTHONY VATALARO: When we get to the permit, they'll --

WILLIAM DWYER: Depending on how much work will be involved, it could be something maybe on Friday afternoon.

ANTHONY VATALARO: Yep, we could do that. It's not even a day's work.

WILLIAM DWYER: You might want to do something even -- Saturday may not be good because of the recycling. The gas company has been in there before on emergencies and they usually work late in the afternoon and they come back the next day late in the afternoon and finish up. We'll work out something like that. We'll figure it out in the permit.

RICHARD SCALI: Motion on this to approve with permits and SPOF and hours to be worked out with Public Works. Moved.

GEORGE FERNANDES: Second.

WILLIAM DWYER: Second.

RICHARD SCALI: All in favor?

WILLIAM DWYER: Yes.

GEORGE FERNANDES: Yes.

RICHARD SCALI: And new applications for Comcast placing a new vault over a Comcast conduit at 2464 Massachusetts Avenue trench 15 feet to property line, removing and replacing three sidewalk panels.

What kind of vault is this?

ANTHONY VATALARO: It would be -- it's just basically what it -- basically what it's going to end up being is a post station, so it would a metal frame and cover.

RICHARD SCALI: How big?

ANTHONY VATALARO: Probably -- what is that?

GEORGE FERNANDES: Three by three.

ANTHONY VATALARO: No, I wasn't going to put a round frame and cover, I was gonna put a square. We have a square frame and cover. It's more rectangular. It's probably about 18 by 12.

RICHARD SCALI: Going in front of 2464?

ANTHONY VATALARO: Right in front of

Tyler Court there. Because it -- my conduit passes right by, so I just want to pick up the conduit which connects me to a vault that I already have in the sidewalk.

RICHARD SCALI: So we're going to have two vaults?

ANTHONY VATALARO: There's one in the sidewalk and then the one new one, yes.

RICHARD SCALI: Isn't that going to be a little intrusive? I guess I'm thinking of people who live in that -- I'm thinking of what happened up here at the hotel. The corner of Remington where this big vault showed up and all of a sudden people were -- because that was on private property, but this is on public property.

ANTHONY VATALARO: I did that only to -- otherwise we have to trench from that existing vault.

GEORGE FERNANDES: This is in the parking lane, too, right?

ANTHONY VATALARO: Well, yeah. I mean, it's right at the mouth of that driveway in the parking lane, yeah.

WILLIAM DWYER: The chamber has to be on Mass Avenue?

ANTHONY VATALARO: Yes.

GEORGE FERNANDES: Yes.

WILLIAM DWYER: I would like a cover that can take -- be able to stand up to the traffic and take a beating so we're not asking you to change it out.

ANTHONY VATALARO: No. It's the same material as a round three by three manhole cover, cast iron.

WILLIAM DWYER: So that's all you got to see in the street is you'll just see the cover.

RICHARD SCALI: I thought he was talking about an aboveground vault.

WILLIAM DWYER: No, no, no.

RICHARD SCALI: 2464 Mass Ave is what, a condo building?

ANTHONY VATALARO: It's a commercial building.

RICHARD SCALI: We're looking at like 1,000 of these in the next few months because now you have commercial service.

ANTHONY VATALARO: I think I would retire if it was that many.

RICHARD SCALI: Less than a 1,000.

ANTHONY VATALARO: There's a few coming through.

WILLIAM DWYER: We're fine with the construction, and the conditions would be the same as the past two submissions.

RICHARD SCALI: Permits and SPOF?

WILLIAM DWYER: Yes.

RICHARD SCALI: Mr. Fernandes, any concerns?

GEORGE FERNANDES: No, I'm good.

RICHARD SCALI: Does anybody on the public want to be heard on this matter?

Motion to approve with permits and SPOF?

WILLIAM DWYER: Moved.

RICHARD SCALI: Moved and seconded.

All in favor?

WILLIAM DWYER: Yes.

GEORGE FERNANDES: Yes.

RICHARD SCALI: All righty.

Anything else that you have?

ANTHONY VATALARO: Not today.

RICHARD SCALI: Anybody else have any late applications or issues? Seeing no hands, motion to adjourn moved.

WILLIAM DWYER: Moved. Seconded.  
All in favor?

MR. FERNANDES: Aye.

MR. DWYER: Aye.

(Whereupon the meeting was  
concluded at 10:33 a.m.)

COMMONWEALTH OF MASSACHUSETTS  
MIDDLESEX, ss.

I, Jill Kourafas, Certified Shorthand Reporter and Notary Public duly commissioned and qualified in and for the Commonwealth of Massachusetts, do hereby certify that the foregoing record, Pages 1 through 33, is a complete, accurate and true transcription of my stenographic notes taken in the aforementioned matter to the best of my skills and ability.

In Witness Whereof, I have hereunto set my hand and affixed my seal this 27th day of September 2010.

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Notary Public

My Commission Expires:

February 26, 2010

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