

### **CITY OF CAMBRIDGE**

BOARD OF ZONING APPEAL

831 Massachusetts Avenue, Cambridge MA 02139

617-349-6100

### **BZA Application Form**

**BZA Number: 1189668** 

General	Info	rma	tion
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		Gene	rai information
The undersigned I	nereby petitions	the Board of Zonin	g Appeal for the following:
Special Permit:	_X	Variance:	Appeal:
PETITIONER: Ce Partnership d/b/a/			eless C/O Timothy C. Twardowski, Esq., Attorney for Cellco
PETITIONER'S A	DDRESS: Robin	nson & Cole LLP, B	oston, MA 01209
LOCATION OF PI	ROPERTY: 330	Mt Auburn St , Ca	mbridge, MA
TYPE OF OCCUP Facility	ANCY: Mobile (	Communications	ZONING DISTRICT: Residence C-1/C-3 Zones
REASON FOR PE	TITION:		
/Telecommunicati	on Facility (ante	enna)/	
DESCRIPTION	OF PETITION	ER'S PROPOSAI	<i>:</i>
			ations facility by removing 12 existing antennas and replacing e protection (OVP) units and hybrid cabling.
SECTIONS OF ZO	NING ORDINA	NCE CITED:	
Article: 4.000 Article: 10.000 Article: 6409	Section: 10.40	(Special Permit).	thote 49) (Telecommunication Facility).  Relief Act (Spectrum Act).
		Original Signature(s):	(Petitioner (s) / Owner) Timothy C. Twardowski, as Attorney for Verizon Wireless
		Address: Tel. No.	(Print Name) Robinson & Cole LLP, 53 State Street, 32nd Floor, Boston MA 02109

ttwardowski@rc.com

E-Mail Address:

Date: 11-12-25

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#### 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 Mount Auburn Street, Cambridge, MA 02138
State that I/We own the property located at Massachusetts
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 August 1, 1958, Middlesex South County Registry of Deeds at Book 10226, Page 279; or
Middlesex Fegistry District of Land Court, Certificate No
Book Page
SIGNATURE BY LAND OWNER OR AUTHORIZED TRUSTEE, OFFICER OR AGENT*  *Written evidence of Agent's standing to represent petitioner may be requested.
Commonwealth of Massachusetts, County of Middle Sex
The above-name Sturn Kapfhammer personally appeared before me;
this 13 of May, 2025, and made oath that the above statement is true.
Latie Wolf Notary
My commission expires 9/1/2028 (Notary Seal). AAAAAAAAAAAAAAAAAAAAAAAAAAAAAAAAAAAA
• If ownership is not shown in recorded deed, e.g. if by deed, or inheritance, please include documentation.
(ATTACHMENT B - PAGE 3)

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#### **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 <u>330 Mt Auburn St</u>, <u>Cambridge</u>, <u>MA</u> (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:

As demonstrated by the documents and information provided with this application, and as will be further demonstrated at the hearing on this matter, the modification constitutes an Eligible Facilities Request which must be allowed and cannot be denied, pursuant to Section 6409 of the Federal Spectrum Act and regulations thereunder. See attached Statement in Support for futher discussion.

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

The upgraded facility will not change existing traffic demand or effect ingress or egress. The facility will

continue to generate only about one to two vehicle trips per month by a standard passenger vehicle during

normal business hours for routine maintenance. See attached Statement in Support for futher discussion.

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:

The upgraded facility will have no adverse effects on the operation or development of adjacent uses. The

upgraded facility will emit no light, odor, dust or glare and generates no unusual noise or other adverse impacts. See attached Statement in Support for futher discussion.

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:

The upgraded facility will generate no additional traffic or other negative impacts on surrounding properties or within the City of Cambridge. The facility requires no water or sewer service and emits no light, odor, dust, or glare and generates no unusual noise or other adverse impacts. The facility will be unoccupied, with no employees or customers. The availability of wireless communication enhances the health, safety, and welfare of the community. See attached Statement in Support for futher discussion.

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:

The facility has been designed to minimize its visual impact and is in harmony with the general purpose of the

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4 . . b

Zoning Ordinance and the previously issued special permit for this use, and in accordance with the requirements for an Eligible Facilities Request under Federal Law. See attached Statement in Support for futher discussion.

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

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### **BZA Application Form**

#### **DIMENSIONAL INFORMATION**

Applicant:

Cellco Partnership d/b/a Verizon Wireless

Present Use/Occupancy: Mobile Communications Facility

Location:

330 Mt Auburn St , Cambridge, MA

Zone: Residence C-1/C-3 Zones

Phone: 617

617-557-5965

Requested Use/Occupancy: Mobile Communications Facility

		Existing Conditions	Requested Conditions	<u>Ordinance</u> <u>Requirements</u>	
TOTAL GROSS FLOOR AREA:		160,235	160,235	n/a	(max.)
LOT AREA:		> 5000	No change	5000	(min.)
RATIO OF GROSS FLOOR AREA TO LOT AREA: <sup>2</sup>		> 3.0	No change	3.0	
LOT AREA OF EACH DWELLING UNIT		N/A	N/A	N/A	
SIZE OF LOT:	WIDTH	N/A	No change	N/A	
	DEPTH	N/A	No change	N/A	
SETBACKS IN FEET:	FRONT	N/A	No change	H+L/5	
	REAR	N/A	No change	H+L/5	
	LEFT SIDE	N/A	No change	H+L/6	
	RIGHT SIDE	N/A	No change	H+L/6	
SIZE OF BUILDING:	HEIGHT	N/A	No change	N/A	
	WIDTH	N/A	No change	N/A	
	LENGTH	N/A	No change	N/A	
RATIO OF USABLE OPEN SPACE TO LOT AREA:		N/A	No change	N/A	
NO. OF DWELLING UNITS:		N/A	N/A	N/A	
NO. OF PARKING SPACES:		N/A	No change	N/A	
NO. OF LOADING AREAS:		N/A	No change	N/A	
DISTANCE TO NEAREST BLDG. ON SAME LOT		N/A	No change	N/A	

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

Hospital, Mobile Communications Facilities

- 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'.



# MT\_AUBURN\_MA

330 MT AUBURN ST CAMBRIDGE, MA 02138

**LOCATION CODE: 137787** 

FUZE ID: 2020448

RFDS DATE: 02/10/2025



#### DO NOT SCALE DRAWINGS

CONTRACTOR SHALL VERIFY ALL PLANS AND EXISTING DIMENSIONS AND CONDITIONS ON THE JOB SITE AND SHALL IMMEDIATELY NOTIFY THE LESSEE/LICENSEE REPRESENTATIVE IN WRITING OF DISCREPANCIES BEFORE PROCEEDING WITH THE WORK OR BE RESPONSIBLE FOR SAME.

#### CONSULTANT TEAM

ARCHITECT:

APPLICANT: CELLCO PARTNERSHIP
D/B/A/ VERIZON WIRELESS
118 FLANDERS ROAD, 3RD FLOOR
WESTBOROUGH, MA 01581

AMENTUM DIGITAL INFRASTRUCTURE, INC. 2929 ARCH STREET, STE 1500 PHII ADELPHIA PA 19104

STRUCTURAL ENGINEER: AMENTUM DIGITAL INFRASTRUCTURE, INC.
2929 ARCH STREET, STE 1500
PHILADELPHIA, PA 19104

ELECTRICAL ENGINEER: AMENTUM DIGITAL INFRASTRUCTURE, INC. 2929 ARCH STREET, STE 1500 PHII ADFI PHIA. PA 19104

#### PROJECT SUMMARY

SITE NAME: MT\_AUBURN\_MA

COORDINATES: N 42° 22' 25.35" (42.373711°) W 71° 08' 01.61" (-71.133783')

GROUND ELEVATION: N/

ASSESSORS PARCEL ID: 241-14-3

PROPERTY OWNER: MT. AUBURN HOSPITAL

300 MT AUBURN ST CAMBRIDGE, MA 02138

APPLICANT:

CELLCO PARTNERSHIP D/B/A/ VERIZON WIRELESS 118 FLANDERS ROAD, 3RD FLOOR WESTBOROUGH, MA 01581

#### PROJECT DIRECTORY

SITE ADDRESS: 330 MT AUBURN ST CAMBRIDGE, MA 02138

ZONING DISTRICT: RESIDENCE C-1/C-3

PROJECT DESCRIPTION

THE PROJECT CONSISTS OF REMOVING (12) ANTENNAS; INSTALLING (12) ANTENNAS, (3) OVPS, AND (3) HYBRID CABLES AT THE EXISTING BUILDING ROOFTOP TELECOMMUNICATIONS SITE.

MIDDLESEX COUNTY

THIS DOCUMENT WAS DEVELOPED TO REFLECT A SPECIFIC SITE AND ITS SITE CONDITIONS AND IS NOT TO BE USED FOR AMOTHER SITE OR WHEN CONDITIONS PERTAIN. REUSE OF THIS DOCUMENT IS AT THE SOLE RISK OF THE USER.

A.D.A. COMPLIANCE: FACILITY IS UNMANNED AND NOT FOR HUMAN HABITATION

#### SHEET INDEX

T-1 TITLE SHEE

C-1 LAYOUT PLAN
C-2 SITE PLAN

C-3 ANTENNA PLAN
C-4 ELEVATIONS

C-5 ELEVATIONS

C-6 ROOF SAFETY/SIGNAGE PLAN

D-1 DETAILS

verizon V

WESTBOROUGH, MA 01581





APPROVALS		
LANDLORD		
LEASING		
R.F		
ZONING		
CONSTRUCTION		
A & E		

PROJECT NO: EDVZNA01

DRAWN BY: TB

CHECKED BY: KK

SUBMITTALS

0 09/30/25 SPECIAL PERMIT
THIS DOCUMENT IS THE CREATION,

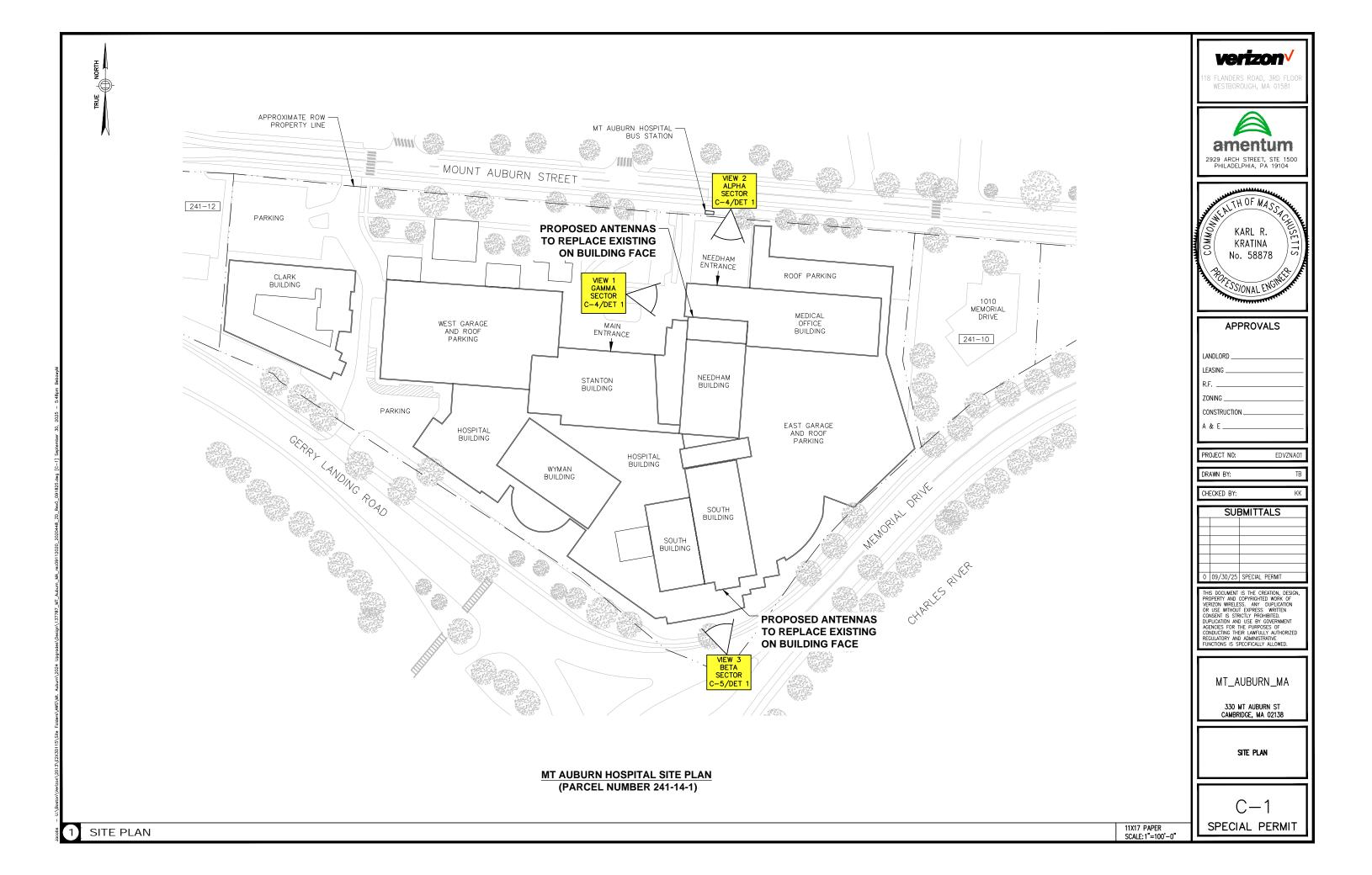
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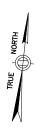
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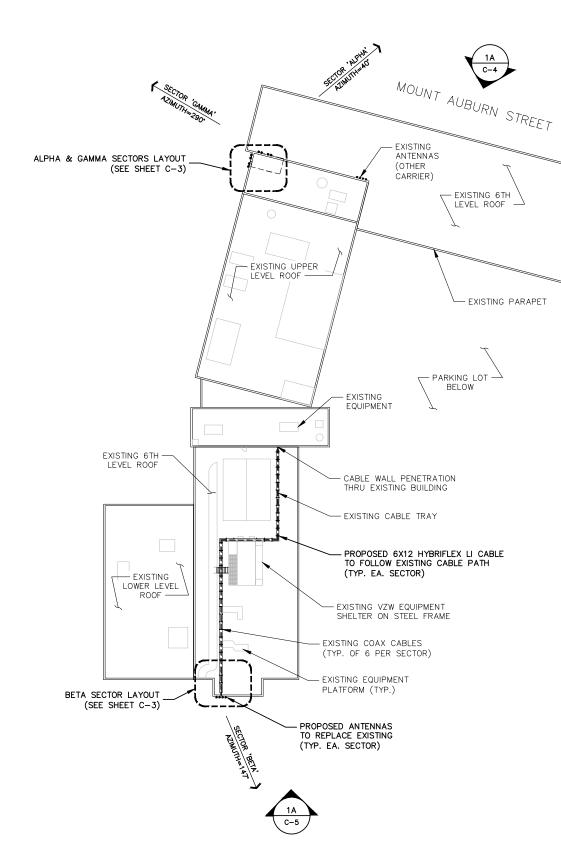
330 MT AUBURN ST CAMBRIDGE, MA 02138

TITLE SHEET

T-1
SPECIAL PERMIT







#### NOTES:

- THE CONTRACTOR SHALL REFER TO LATEST ROOFTOP EQUIPMENT INSTALLATION STRUCTURAL ASSESSMENT LETTER ISSUED BY AMENTUM. PER THIS REPORT, THE EXISTING STRUCTURE HAS SUFFICIENT CAPACITY TO SUPPORT THE EXISTING AND PROPOSED EQUIPMENT ON THE EXISTING ANTENNA FACADE MOUNTS.
- 2. THE CONTRACTOR SHALL REFER TO THE LATEST ROOFTOP EQUIPMENT INSTALLATION MOUNT STRUCTURAL ANALYSIS REPORT ISSUED BY AMENTUM. PER THIS ANALYSIS, NO MODIFICATIONS ARE REQUIRED FOR THE PROPOSED EQUIPMENT. CONTRACTOR SHALL CONFIRM ALL EXISTING AND PROPOSED EQUIPMENT ARE INSTALLED IN ACCORDANCE WITH THIS REPORT.
- CONTRACTOR TO VERIFY FINAL RF CONFIGURATION AND NOTIFY CARRIER AND ENGINEER WITH ANY DISCREPANCIES PRIOR TO THE INSTALL ATION.
- 4. CONTRACTOR SHALL VERIFY ANTENNA CENTERLINE DATA WITH FINAL RFDS PRIOR TO CONSTRUCTION.
- 5. PROPOSED EQUIPMENT TO BE PAINTED TO MATCH EXISTING BUILDING.

### vertzon

118 FLANDERS ROAD, 3RD FLOC WESTBOROUGH, MA 01581





APPROVALS		
LANDLORD		
LEASING		
R.F		
ZONING		
CONSTRUCTION		
A & E		

PROJECT NO: EDVZNA01

DRAWN BY: TE

CHECKED BY:

SUBMITTALS

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MT\_AUBURN\_MA

330 MT AUBURN ST CAMBRIDGE, MA 02138

SITE PLAN

C-2
SPECIAL PERMIT

OTE:

SAMSUNG DUAL BAND RADIOS CURRENTLY INSTALLED IN EXISTING EQUIPMENT SHELTER. EXISTING RADIOS TO BE RETAINED.

CABLE LENGTHS:

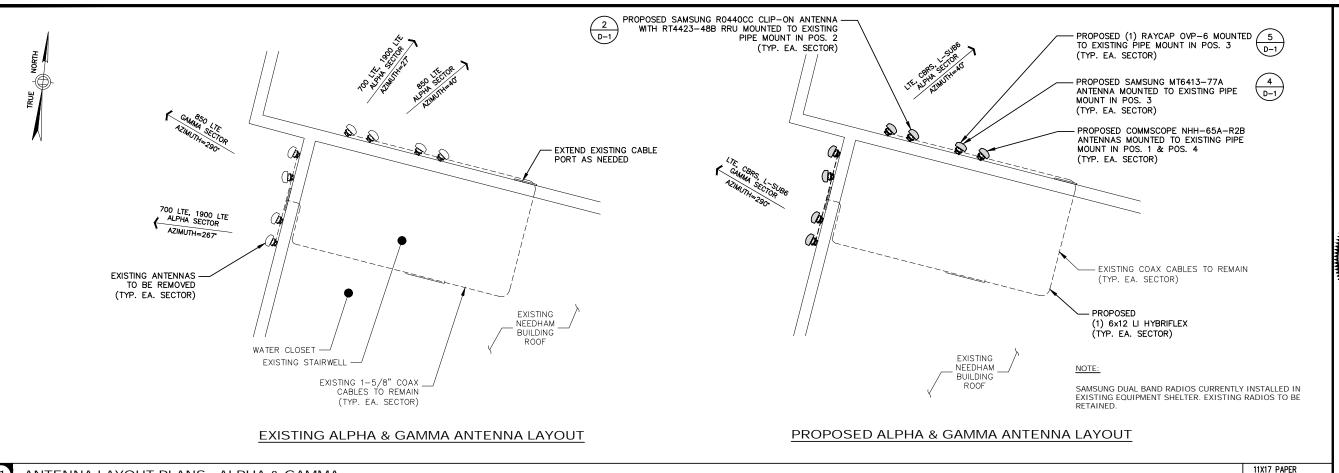
HYBRID 6x12 LI CABLES: ALPHA = 430' BETA = 140' GAMMA = 430'

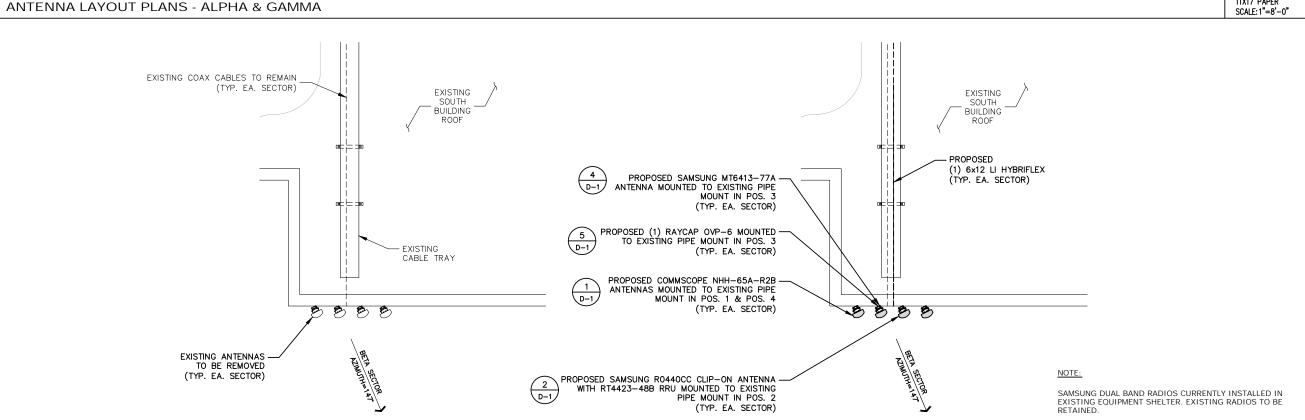
HYBRID 1x1 JUMPERS: ALPHA = 20' BETA = 20' GAMMA = 20'

NOTE:

CONTRACTOR TO FIELD VERIFY CABLE LENGTHS FOR ALPHA AND GAMMA.

11X17 PAPER





verizon





ADDDOVAL C

AFFROVALS
LANDLORD
LEASING

ZONING CONSTRUCTION

PROJECT NO:	FDV/7NA01

DRAWN BY:

CHECKED BY:

### SUBMITTALS

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MT\_AUBURN\_MA

330 MT AUBURN ST CAMBRIDGE, MA 02138

ANTENNA LAYOUT PLANS

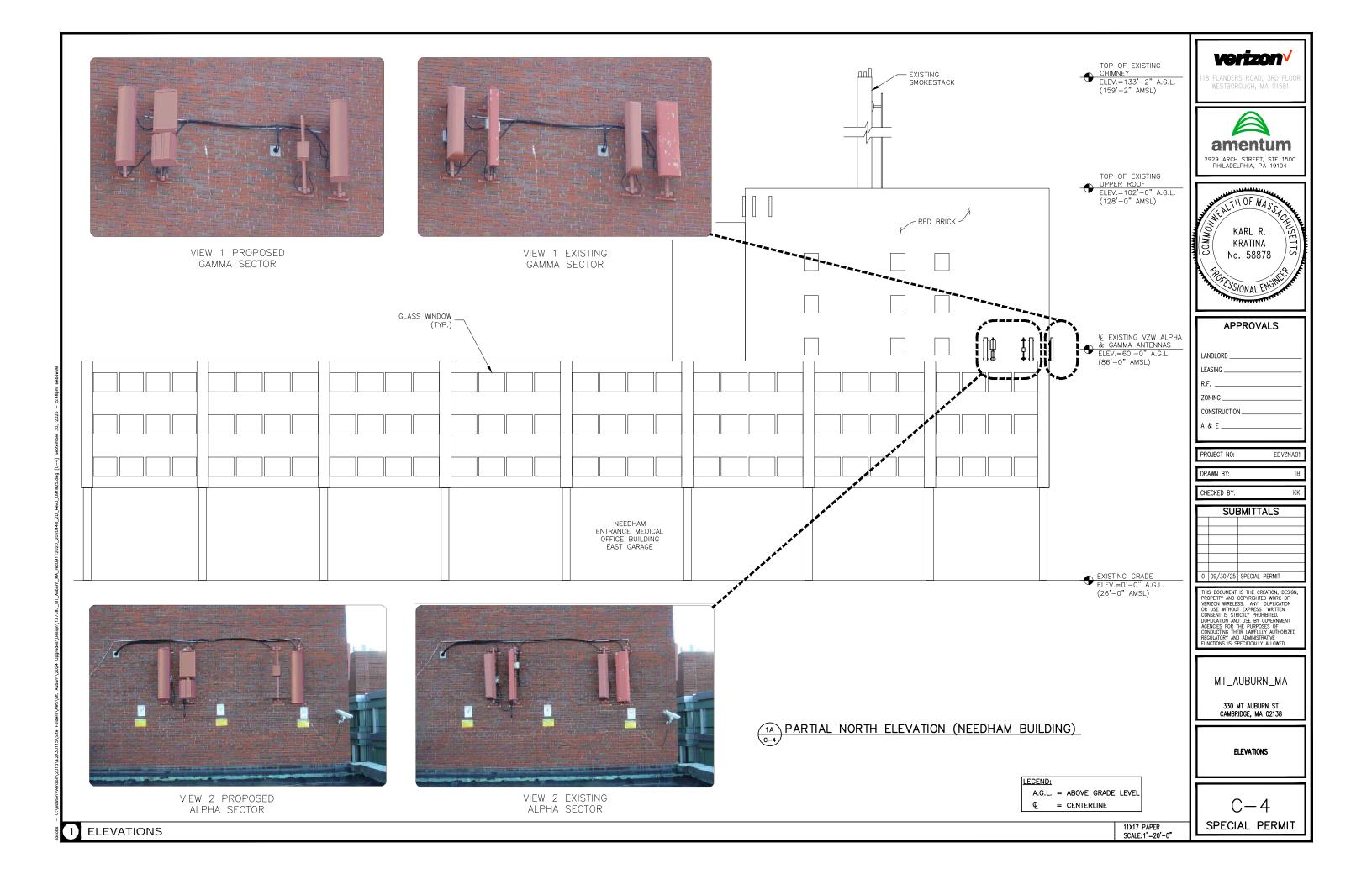
SPECIAL PERMIT

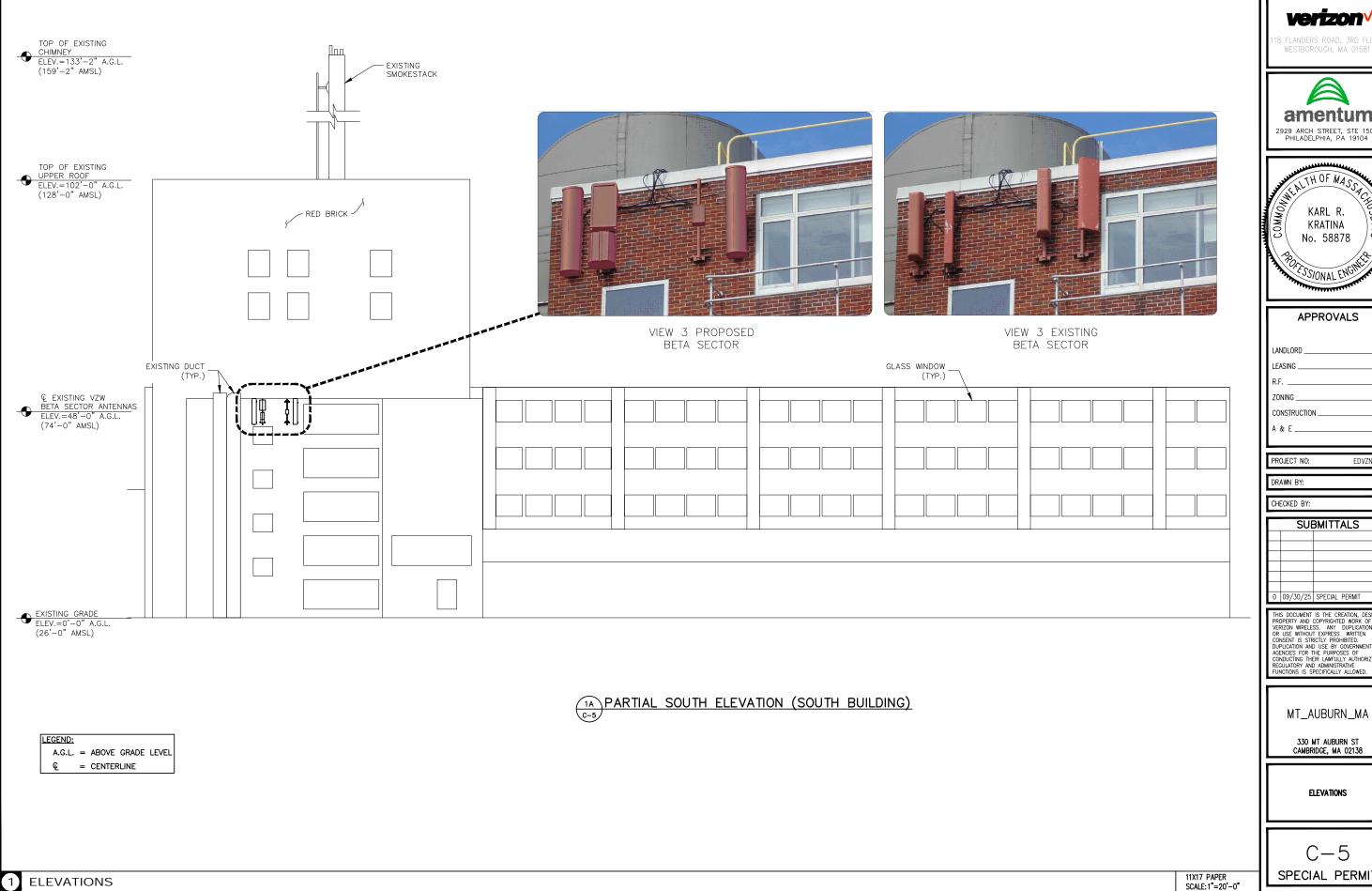
**EXISTING BETA ANTENNA LAYOUT** 

PROPOSED BETA ANTENNA LAYOUT

ANTENNA LAYOUT PLANS - BETA

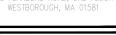
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1 ELEVATIONS

verizon







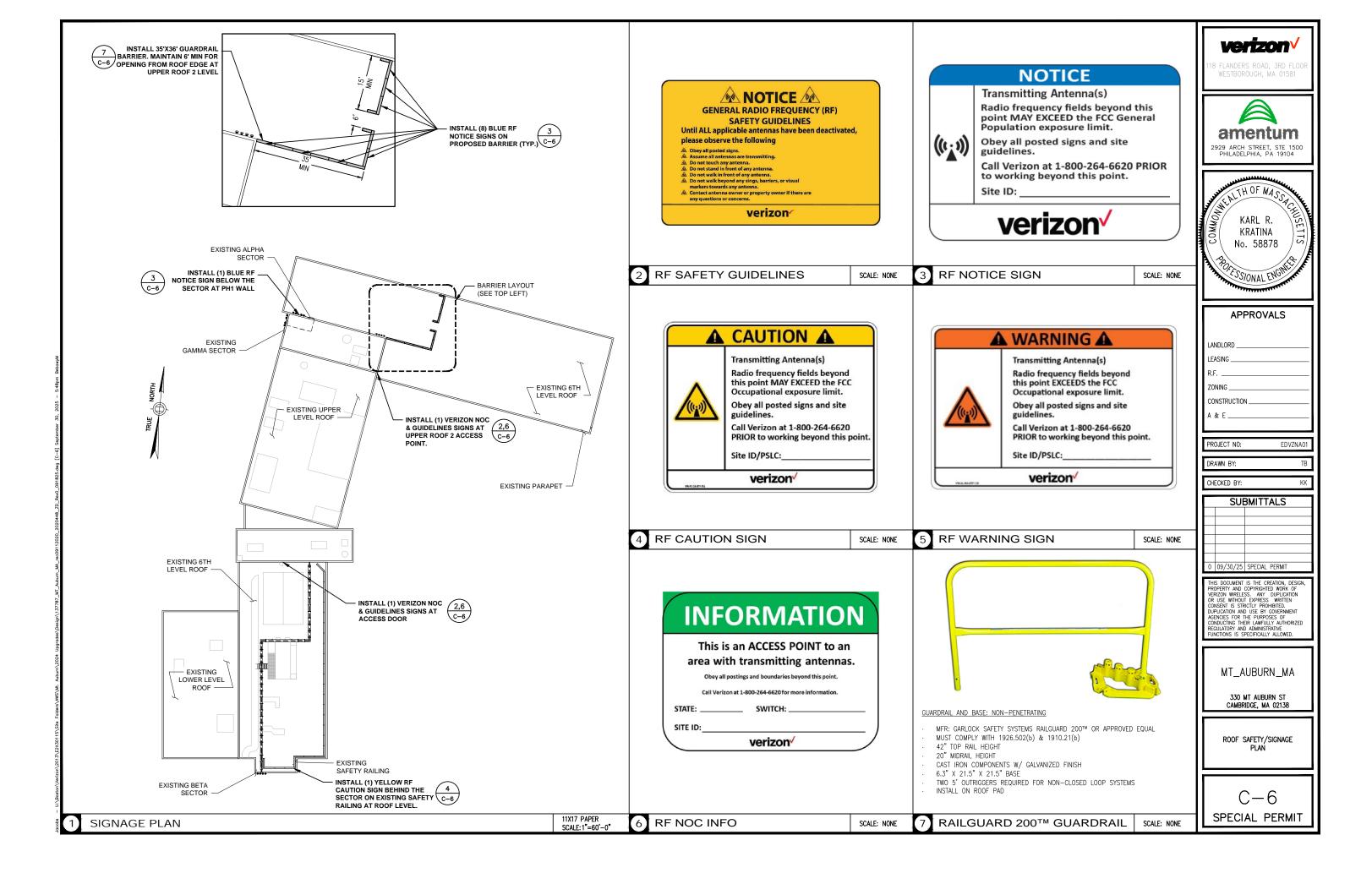
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CONSTRUCTION

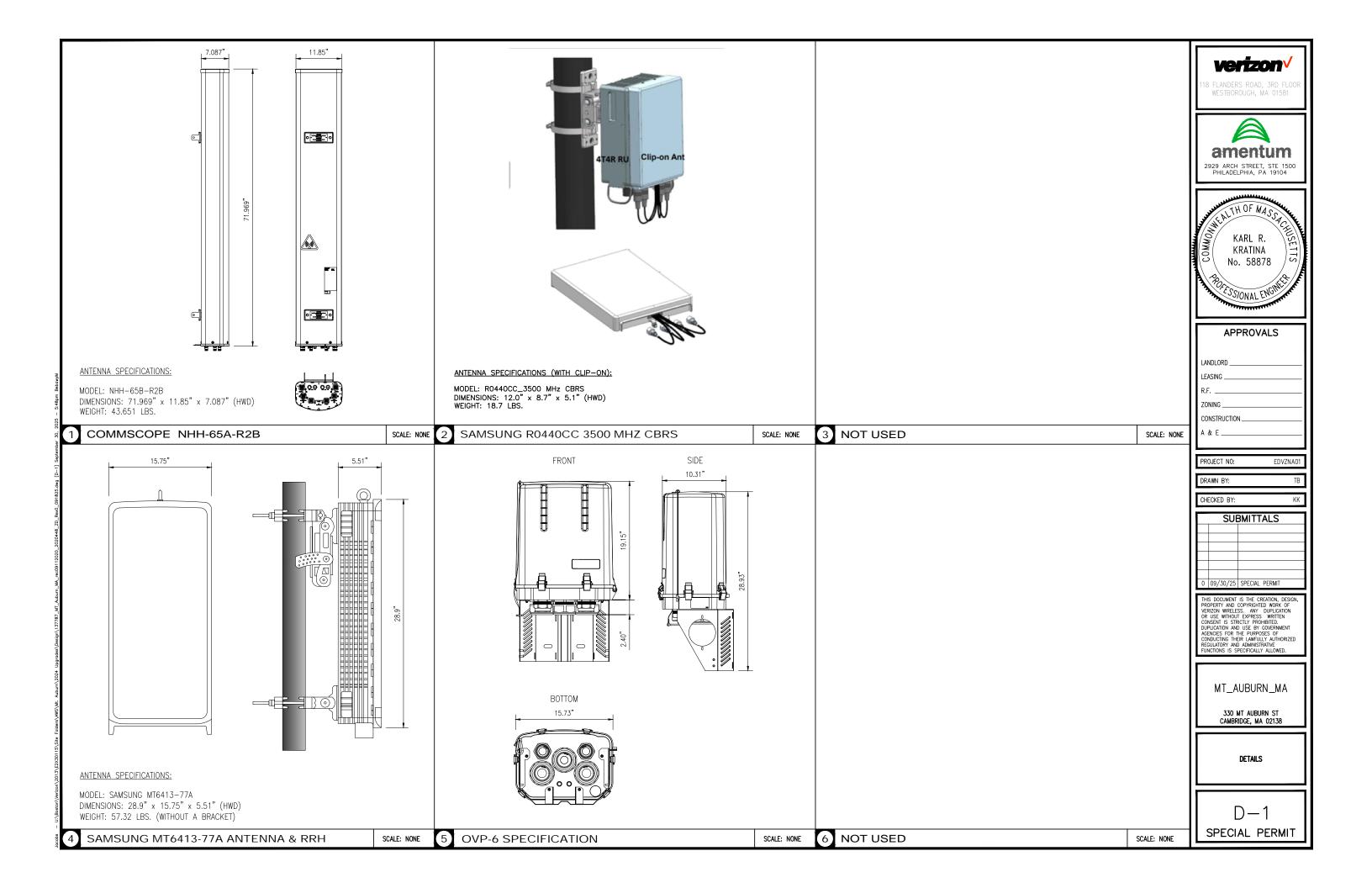
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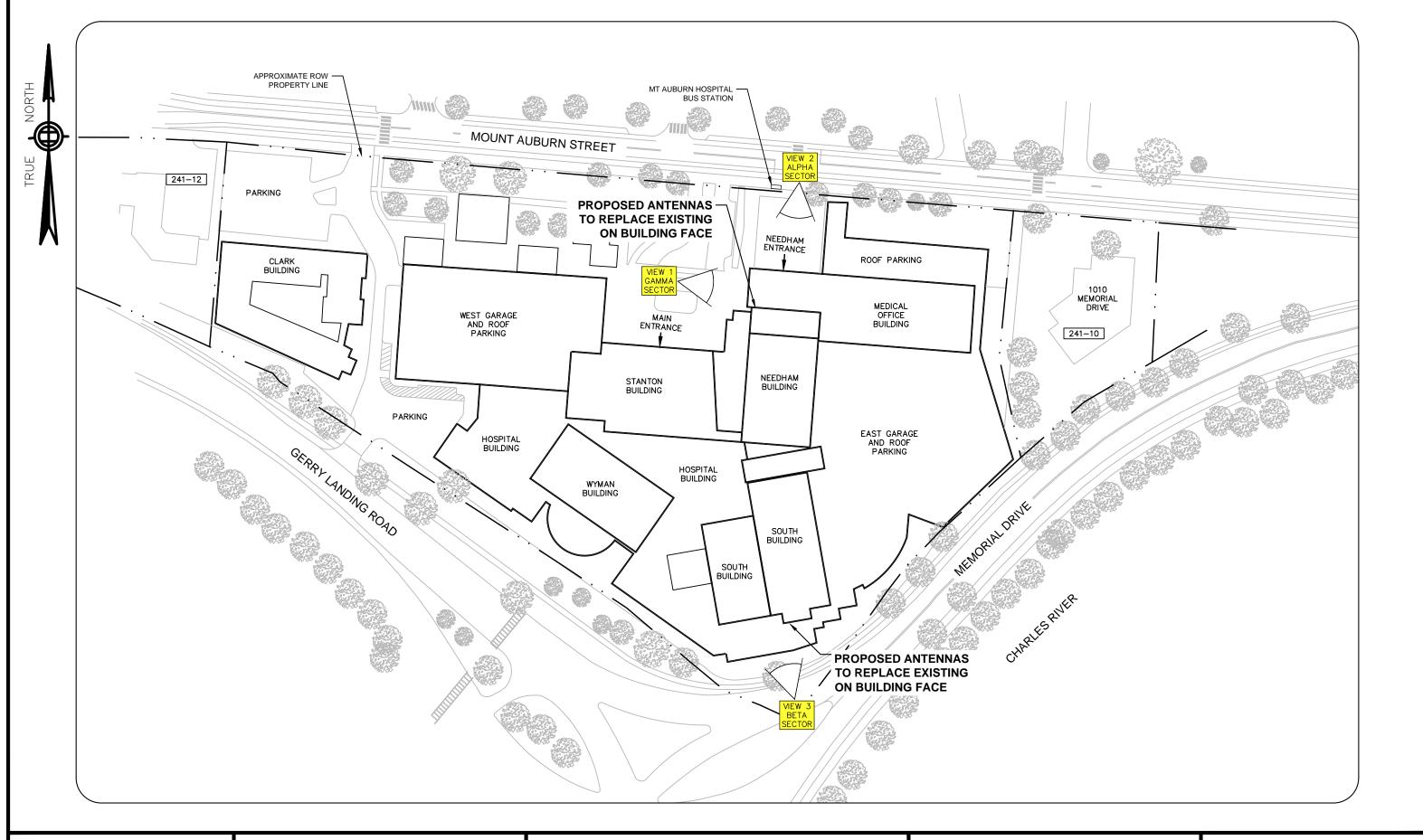
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0	09/30/25	SPECIAL PERMIT

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SPECIAL PERMIT















118 FLANDERS ROAD, 3RD FLOOR WESTBOROUGH, MA 01581

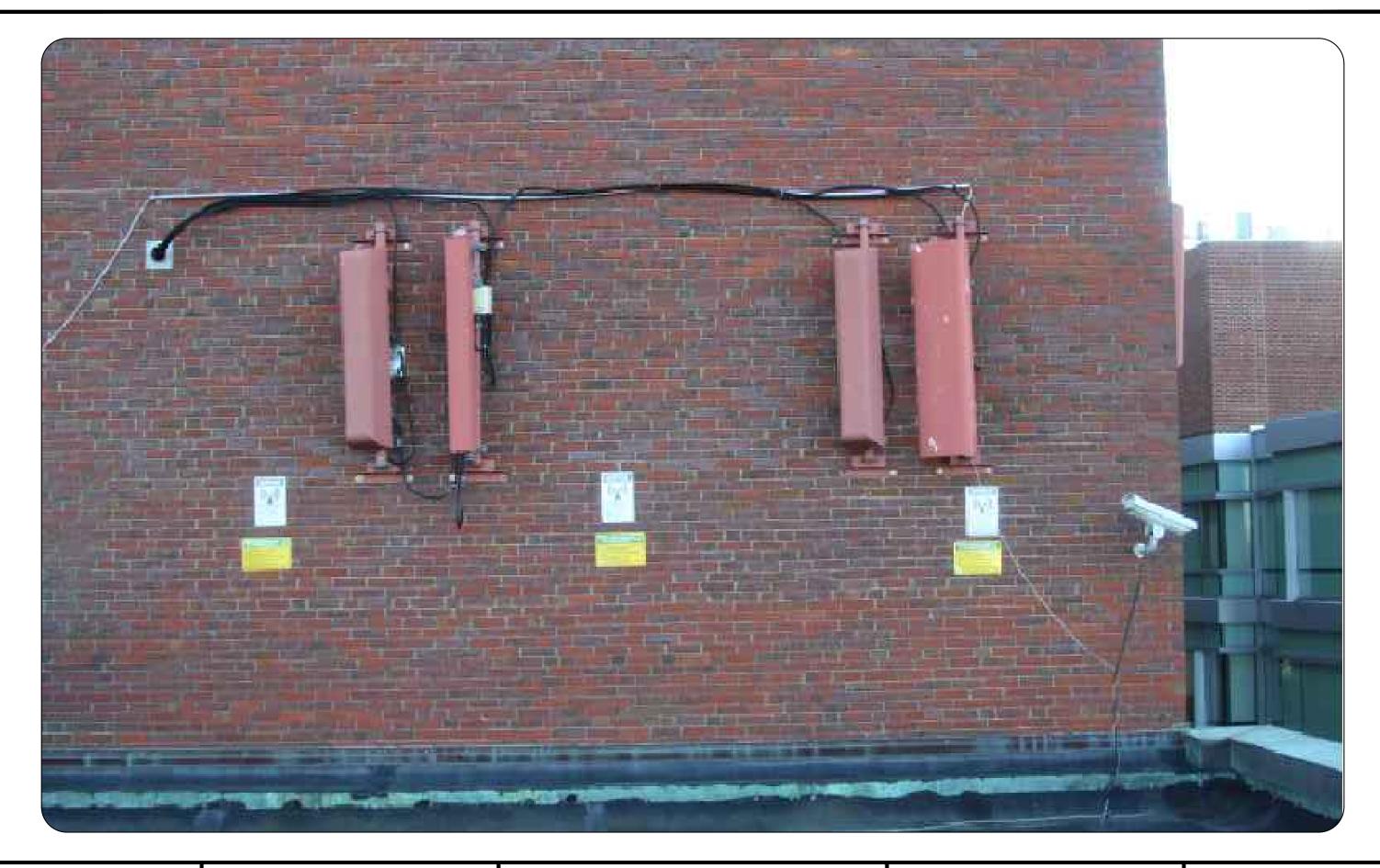


VIEW 2 EXISTING (SECTOR GAMMA)















118 FLANDERS ROAD, 3RD FLOOR WESTBOROUGH, MA 01581

#### CITY OF CAMBRIDGE, MASSACHUSETTS BOARD OF ZONING APPEAL

## STATEMENT IN SUPPORT OF APPLICATION FOR SPECIAL PERMIT

**Applicant**: Cellco Partnership d/b/a Verizon Wireless

**Property**: 330 Mount Auburn Street, aka 300 Mount Auburn Street

(Map and Parcel 241-14)

Zoning: Residence C-1 and C-3 Districts, Mount Auburn Hospital Overlay District

Proposed Use: Modification of Existing Mobile Communications Facility

#### **BACKGROUND**

The Petitioner, Cellco Partnership d/b/a Verizon Wireless ("Petitioner" or "Verizon Wireless"), is licensed by the Federal Communications Commission ("FCC") to provide personal wireless services within the market area that includes the City of Cambridge. Verizon Wireless seeks to modify its existing mobile communications facility (the "Existing Facility") located at 330 Mount Auburn Street, aka 300 Mount Auburn Street (the "Property"). The Existing Facility was approved by the Board of Zoning Appeal (the "Board") by special permit in Case No. 8842 (the "Existing Special Permit"), a copy of which is attached hereto as **Exhibit A**.

The existing and proposed Verizon Wireless mobile communications facility is a personal wireless services facility within the meaning of the Federal Telecommunications Act ("TCA"), 47 U.S.C. § 332(c)(7)(C)(ii). It is also a mobile communications facility within the meaning of the Cambridge Zoning Ordinance (the "Zoning Ordinance"). This application is submitted with full reservation of the Petitioner's rights under federal, as well as state and local law, including, without limitation, Section 6409 of the federal Middle Class Tax Relief and Job Creation Act of 2012, commonly referred to as the "Spectrum Act."

#### **DESCRIPTION OF THE PROJECT**

The proposed modification is described below and depicted in the plan set entitled "MOUNT AUBURN MA, 330 Mount Auburn Street, Cambridge, MA 02138," with a last revision date of September 30, 2025, prepared by Karl R. Kratina, Professional Engineer for Amentum (the "Site Plan") submitted in connection with this application. As shown on the Site Plan and the photographic renderings titled "Mount Auburn Hospital," (the "Photosims") submitted in connection with this application the Existing Facility consists of three sectors of four panel antennas (twelve in total), all mounted on the façade of the existing multiple-story hospital Building located on the Property. The Existing Facility also includes a rooftop equipment shelter that houses Verizon Wireless's communications equipment and an emergency power generator.

The proposed modifications to the Existing Facility are described below and depicted on Sheets C-1 through C-64 of the Site Plan. The modifications will consist of the following:

- Remove 4 existing façade-mounted antennas per sector (12 in total) and replace them with 4 new facade-mounted antennas per sector (12 in total). As shown on Sheets C-3 through C-5 of the Site Plan, the replacement antennas will be mounted to the existing pipe mounts and painted to match the façade of the Building.
- Add 1 over-voltage protection (OVP) unit per sector (3 in total). As shown on Sheets C-3 through C-5 of the Site Plan, the OVP units will be mounted to the existing pipe mounts and painted to match the façade of the Building.
- Install 3 hybrid cables within the existing rooftop cable tray, as shown on Sheet C-2 of the Site Plan.
- Install guardrail safety barriers and associated RF Notice, RF Safety Guidelines, and RF Safety signage on the rooftop as shown on Sheet C-6 of the Site Plan.

# REQUEST FOR RELIEF AND SATISFACTION OF APPLICABLE STANDARDS

Verizon Wireless seeks a special permit pursuant to **Section 4.32(g)(1) and Footnote 49** of the Table of Use Regulations to allow it to modify and upgrade its existing mobile communications facility on the Building. The following analysis demonstrates that the proposed modification of the Existing Facility meets these standards.

1. The scope of or limitations imposed by any license secured from any state or federal agency having jurisdiction over such matters.

Verizon Wireless is licensed by the Federal Communications Commission ("FCC") to provide personal wireless services within the market area that includes the City of Cambridge. There are no limitations imposed on Verizon Wireless' licenses that would prevent it from installing and operating a mobile communications facility on the Subject Property as proposed in this application.

2. The 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 a building's roof or other features of the building as support and background; (2) through the use of 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 from off the site.

As depicted on the Site Plan and Photosims, the proposed modifications to the existing Verizon Wireless facility satisfy these standards. Consistent with the existing mobile communications facility, and as required by the Existing Special Permit, all of the proposed antennas and OVP units will be mounted to the existing pipe mounts and painted to match the façade of the Building. As a result, all of the proposed communications equipment will blend with the façade of the Building to minimize their visibility.

3. Where 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 a finding that nonresidential uses predominate in the vicinity of the proposed facility's location and that the telecommunication facility is not inconsistent with the character that does prevail in the surrounding neighborhood.

Verizon Wireless has maintained the existing mobile communications facility on the Property since 2004. The existing facility provides mobile communications service to residences, businesses, visitors, and other Verizon Wireless customers along and near Memorial Drive and in the area immediately surrounding the Property. In approving the Existing Special Permit and in approving special permits for the addition and modification of existing mobile communications facilities on the Property that are owned and maintained by other wireless service providers (see e.g., Special Permit No. 10480, issued to AT&T Wireless on October 11, 2013; see also Special Permit No. BZA-112556, issued to AT&T Wireless on May 12, 2021) the Board has consistently found that nonresidential uses predominate in the vicinity of the Property and that the existing and proposed mobile communications facilities were not inconsistent with the prevailing character of the surrounding neighborhood.

The proposed modification of the existing wireless communications installation also satisfies the criteria of Section 10.43 of the Ordinance relating to the grant of special permits. The proposed modification to Verizon Wireless's existing mobile communications facility will not have any traffic impacts and will not affect the operation or development of adjacent uses. The Existing Facility, as modified by this application, will emit no light, odor, dust, or glare and generate no unusual noise or other adverse impacts. It will not be detrimental to the health, safety or welfare of the City, and indeed the availability of reliable wireless communications enhances health, safety and welfare. The proposed modification of the Existing Facility will also not impair the integrity of the district or adjoining districts, or derogate from the intent and purpose of the Ordinance. The availability of reliable wireless communications services for both voice and data communications benefits businesses and residents which increasingly rely on these services for a wide variety of purposes. Reliable wireless service also enhances community safety, because it is used by public safety officials as well as the public in times of crisis, natural disaster, inclement weather, and similar circumstances.

Because the proposed modification of the Existing Facility satisfies the criteria for granting a special permit, the Petitioner respectfully requests that the Board grant a special permit to allow for the proposed modifications to the Existing Facility.

# THE PROPOSED MODIFICATION CONSTITUTES AN ELIGIBLE FACILITIES REQUEST UNDER THE SPECTRUM ACT

Under the Spectrum Act and the implementing regulations adopted by the Federal Communications Commission<sup>1</sup> (the "FCC Regulations"), the proposed modification to the existing Verizon Wireless facility constitutes an eligible facilities request. The Spectrum Act states, in pertinent part:

Notwithstanding section 704 of the Telecommunications Act of 1996<sup>2</sup> or any other provision of law, 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.<sup>3</sup>

Pursuant to the FCC Regulations, an "<u>eligible facilities request</u>" means "any request for modification of an existing wireless tower or *base station* that does not *substantially change* the physical dimensions of such tower or base station, involving ... collocation of new *transmission equipment* ... or replacement of transmission equipment." The FCC Regulations define "<u>base station</u>" to mean:

A structure or equipment at a fixed location that enables Commission-licensed or authorized wireless communications between user equipment and a communications network.

. .

(iii) The term includes any structure other than a tower that, at the time the relevant application is filed with the State or local government under this section, supports or houses [equipment associated with wireless communications services] that has been reviewed and approved under the applicable zoning or siting process, or under another State or local regulatory review process, even if the structure was not built for the sole or primary purpose of providing such support.<sup>5</sup>

"Transmission equipment" is defined to include not only antennas but also all "equipment that facilitates transmission" for a FCC-licensed or authorized wireless communication service, including but not limited to "radio transceivers, antennas, coaxial or fiber-optic cable, and regular and backup power supply."

The proposed modification to the existing Verizon Wireless facility is an "eligible facilities request" under the Spectrum Act because:

(1) The existing Building constitutes a "base station" in that it currently "supports or houses" wireless communications equipment that has been reviewed and approved under the Zoning Ordinance, namely the Existing Facility, which the Board approved in Case No. 8842;

<sup>&</sup>lt;sup>1</sup> See 47 C.F.R. 1.40001 (Wireless Facility Modifications).

<sup>&</sup>lt;sup>2</sup> The Telecommunications Act of 1996 is codified as 47 U.S.C. § 332(c)(7).

<sup>&</sup>lt;sup>3</sup> 47 U.S.C. 1455(a)(1) (emphasis added).

<sup>&</sup>lt;sup>4</sup> 47 C.F.R. § 1.40001(b)(3) (emphasis added).

<sup>&</sup>lt;sup>5</sup> 47 C.F.R. § 1.40001(b)(1).

<sup>&</sup>lt;sup>6</sup> 47 C.F.R. § 1.40001(b)(8).

- (2) The proposed replacement of existing antennas constitutes a "replacement of transmission equipment;"
- (3) The proposed addition of OVP units and hybid cables constitutes a "collocation of new transmission equipment;" and
- (4) The proposed modification does not "substantially change the physical dimensions" of the base station. The proposed modification does not constitute a "<u>substantial change</u>" as defined under the FCC Regulations<sup>7</sup> because it:
  - (i) does not involve the installation of more than the standard number of equipment cabinets;

**Response**: No equipment cabinets are being added.

- (ii) does not entail excavation or deployment outside of the current site; **Response**: All changes to the existing Verizon Wireless facility will occur on the building itself.
- (iii) does not defeat the concealment elements of the Existing Facility; **Response**: As is the case with the existing antennas, the proposed replacement antennas and OVP units will be mounted on the existing pipe mounts and painted to match the façade of the Building.
- (iv) does not increase the height of the building by more than 10% or ten feet; *Response*: The proposed modification will not increase the height of the building.
- (v) does not add any appurtenances that would protrude from the edge of the building by more than six feet; and
   Response: The proposed antennas, OVP units, and associated cabling will not protrude from the building façade by more than six feet; and
- (vi) complies with the conditions associated with the siting approval.

  \*Response: The proposed modification satisfies the concealment conditions of the Existing Special Permit. Other conditions imposed by the siting approval and subsequent modifications thereto are supplanted by the FCC Regulations and/or are irrelevant to this eligible facilities request.

Pursuant to Section 1.40001(c)(1) of the FCC Regulations, an applicant asserting that a request for modification is covered by the Spectrum Act may be required to submit "documentation or information only to the extent reasonably related to determining whether the request meets the requirements of [the Spectrum Act]." Section 1.40001(c)(1) further states that a state or local government "may <u>not</u> require an applicant to submit any other documentation, including but not limited to documentation intended to illustrate the need for such wireless facilities or to justify the business decision to modify such wireless facilities."

<sup>&</sup>lt;sup>7</sup> See 47 C.F.R. § 1.40001(b)(7)(i)-(vi) (definition of "substantial change").

<sup>&</sup>lt;sup>8</sup> 47 C.F.R. § 1.40001(c)(1) (emphasis added).

The information presented by Verizon Wireless in connection with this application—including but not limited to the Site Plan, the Photosims, and this Statement—is sufficient for the Board to determine that the proposed modification to the Existing Facility qualifies as an eligible facilities request under the Spectrum Act. Verizon Wireless documented that the Existing Facility was approved by the Board in Case No. 8842 (i.e., the Existing Special Permit) and demonstrated that the proposed modifications to the Existing Facility satisfy each of the statutory requirements for an "eligible facilities request." The Site Plan and a Photosims filed with this application support that conclusion.

The FCC Regulations provide that an eligible facilities request must be approved within 60 days of submittal unless the local government determines that the application does not satisfy the requirements for an eligible facilities request or notifies the applicant within 30 days of submittal "clearly and specifically delineating all missing documents or information" that is "reasonably related to determining whether the request meets the requirements" for an eligible facilities request. Moreover, an eligible facilities request is deemed approved as a matter of federal law, if not denied within 60 days of submittal of the request. In filing this application, Verizon Wireless does not waive, and specifically reserves, all of its rights under federal law, including these provisions.

#### **CONCLUSION**

For all of the foregoing reasons, Verizon Wireless respectfully requests that the Board grant a special permit in addition to granting any other relief that may be appropriate or necessary, to authorize the proposed modifications to its Existing Facility as set forth on the Site Plan and described in these application materials.

Respectfully submitted, Cellco Partnership d/b/a Verizon Wireless By its attorney,

Timothy C. Twardowski, Esq. Robinson & Cole LLP 53 State Street, 32nd Floor Boston, MA 02109 (617) 557-5965

Dated: November 6, 2025

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<sup>&</sup>lt;sup>9</sup> 47 C.F.R. § 1.40001(c)(2).

<sup>&</sup>lt;sup>10</sup> 47 C.F.R. § 1.40001(c)(4).



# City of Cambridge

08/10/2004 03:04 PM

MASSACHUSETTS .

BOARD OF ZONING APPEAL

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

CASE NO:			
LANENII	/ A	CT	ATO.
	L.A	<b>`</b>	AI 1.

8842

Title Reference: Recorded March 9, 1883 at Book 1625, Page 140

LOCATION:

330 Mt. Auburn Street

Residence C-1 & C-3 Zone

Cambridge, MA

PETITIONER:

Verizon Wireless

John M. Moran, Agent

PETITION:

Special Permit: To install telecommunication antennas.

VIOLATIONS:

Art. 4.000, Sec. 4.32.G.1 (Telecommunication Uses).

DATE OF PUBLIC NOTICE:

March 19 & 26, 2004

DATE OF PUBLIC HEARING: April 8, 2004

MEMBERS OF THE BOARD:

THOMAS SIENIEWICZ - CHAIR

SUSAN SPURLOCK KEEFE B. CLEMONS

ASSOCIATE MEMBERS:

JENNIFER PINCK - VICE CHAIR

MARC TRUANT SUSAN CONNELLY REBECCA TEPPER BRENDAN SULLIVAN

ARCH HORST

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.

Mail to:

John M. Moran

Alpine Advisory Services

Alpine Way

Boston, Ma 02125-1033

Case No.

8842

Location:

330 Mt. Auburn Street

Petitioner:

Verizon Wireless, John Moran, Agent

On April 8, 2004, Petitioner's agent John Moran appeared before the Board of Zoning Appeal requesting a special permit to install telecommunication antennas. The Petitioner submitted plans and photographs.

Board member Horst stated that he was the president of Cambridge Homes, an abutter to the subject property. He stated that he felt that this proximity would not affect his impartiality, but asked if anyone objected to his sitting on the case. No one indicated an objection.

Mr. Moran stated that the proposed site was a hospital and that while it was in a residential district, residential uses did not predominate. He stated that he had altered his original plans to conform to recommendations by the Planning Board regarding the placement and appearance of the arrays. He stated that he had the required FCC license. Mr. Moran stated that the installation also contained an emergency generator, which would be tested weekly and would be relatively quiet.

After a review of the area surrounding the site, the Chair moved that the Board find that at the locus of 330 Mt. Auburn Street residential uses did not predominate.

The five member Board voted unanimously in favor of the finding (Sieniewicz, Pinck, Truant, Horst, and Sullivan).

The Chair asked if anyone wished to be heard on the matter, no one indicated such.

After discussion, the Chair moved that the Board find that the application is consistent with state and federal regulations governing health effects for such radio antennae, that the visual impact of the various elements of this proposal have been minimized through its association and attachment to existing mechanical elements on the building's roof, that materials and textures are consistent with the elevations and blend into those elevations, that there have been means to reduce the visual impact of these antennae on the environment, that the traffic generated and access and egress at the site will not be affected by the installation of the proposed antennae, that traffic patterns will not change, that the continued use, operation, and development of adjacent uses will not be affected, that no nuisance or hazard will be created to the detriment of the health, safety, or welfare of the occupants of the proposed sites or of the citizens of Cambridge, and that for other reasons the application will not impair the integrity of the district or adjoining

districts or otherwise derogate from the intent or purpose of the Ordinance. The Chair moved that, based on those findings, the Board grant the special permit on the following conditions:

- 1. that revised drawings be submitted in support of the application that are consistent with the Planning Board memo as referenced and read into the record tonight, and with photosimulations presented to us at tonight's hearing,
- 2. that the work be consistent with these revised drawings, created by the URS Corporation at 38 Chauncy Street in Boston, entitled Mt. Auburn Hospital Cell Site at 330 Mt. Auburn Street, consisting of sheets T1, Z1, Z2, and Z3,
- 3. that the generator at the site will be tested on a workday, between the hours of 9:00 and 11:00 in the morning, so it will not impact the neighborhood adversely by the sound of that testing, and
- 4. that in the event that this site is abandoned by Verizon, the antennas and generator and all evidences be removed within 90 days.

The five member Board voted unanimously in favor of granting the special permit (Sieniewicz, Pinck, Truant, Horst, and Sullivan) with the above conditions. Therefore, the special permit is granted.

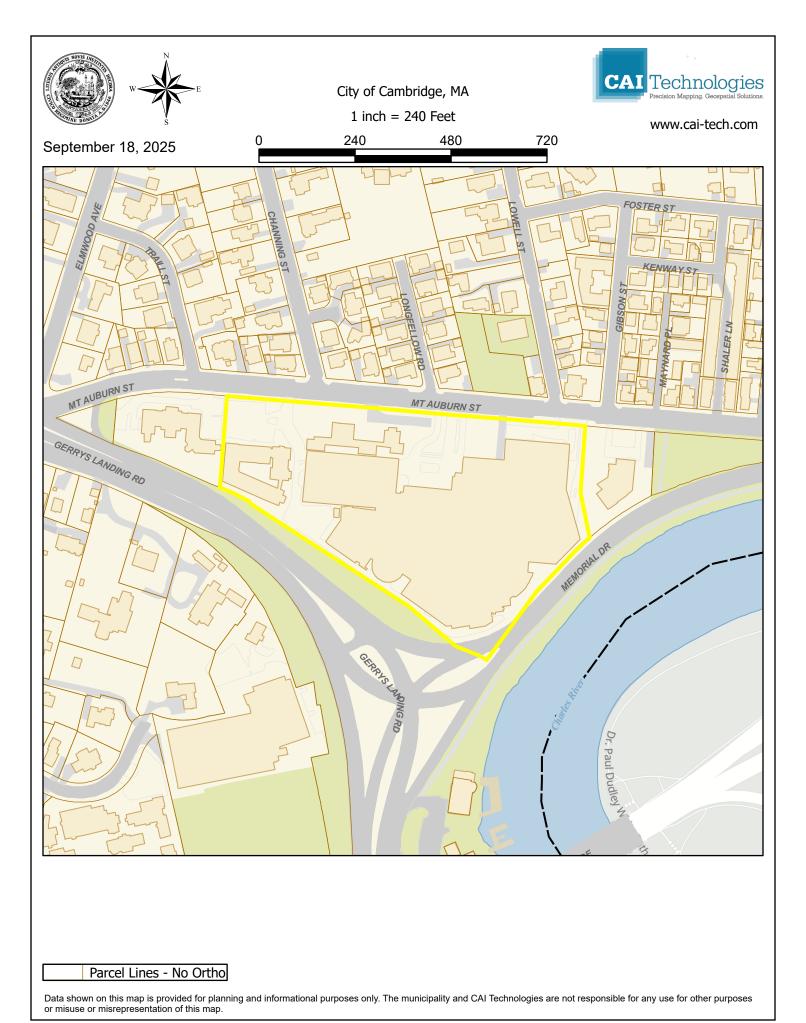
The Board based its decision upon the above findings and upon the following:

- 1) The meeting of the requirements of the Ordinance;
- 2) Traffic generated or patterns of access or egress would not cause congestion, hazard, or substantial change in the established neighborhood character;
- 3) The continued operation of or the development of adjacent uses as permitted in the Ordinance would not be adversely affected by the nature of the proposed uses:
- 4) Nuisance or hazard would not be created to the detriment of the health, safety and /or welfare of the occupants of the proposed use;
- 5) The proposed use would not impair the integrity of the district or adjoining district or otherwise derogate for the Ordinance, and in fact be a significant improvement to the structure and benefit the neighborhood, and;
- 6) The new use or building construction is not inconsistent with the Urban Design Objectives set forth in Section 19.30 of the Cambridge Zoning Ordinance.

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 regulation 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.

THOMES Sieniewicz, Chair

Attest: A true and correct copy of decision filed with the offices of the City Clerk and Planning Board on
Twenty days have elapsed since the filing of this decision.
No appeal has been filed
Appeal has been filed and dismissed or denied.
Date: 6/6//04 Date: 6/6//04 Cty Clerk
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330 Md. Juburn St.

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

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

ROBINSON + COLE C/O TIMOTHY C. TWARDOWSKI, ESQ. 53 STATE STREET - 32ND FLOOR BOSTON, MA 02109

239-48

NOLLMAN, JORDAN & LARISSA BOUTIQUE 321 MT AUBURN ST UNIT 2 CAMBRIDGE, MA 02138

239-21 CITY OF CAMBRIDGE C/O MEGAN BAYER CITY SOLICITOR

239-21 CITY OF CAMBRIDGE C/O YI-AN HUANG CITY MANAGER

240-38

KALAVREZOU, IOLI 341 MT. AUBURN ST. CAMBRIDGE, MA 02138 241-10 1010 MEMORIAL DRIVE TENANTS CORPORATION 1010 MEMORIAL DRIVE CAMBRIDGE, MA 02138-4853

MASSACHUSETTS COMMONWEALTH OF STATE HOUSE BOSTON, MA 02133

241-12

CAMBRIDGE HOME FOR THE AGED PEOPLE C/O SENIOR LIVING RES. / CAMBRIDGE 45 BRAINTREE HILL OFFICE PK -SUITE 306 BRAINTREE, MA 02184

242B-52 REIMANN, WILLIAM P. & HELEN S. REIMANN

1 GERRYS LANDING CAMBRIDGE, MA 02138-5714 242B-56-53 **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

240-53

241-13

SANBORN, JOSEPH S., TRUSTEE THE REX REALTY TRUST 20 TRAILL ST

241-14

MT. AUBURN HOSPITAL C/O NICHOLAS DILESCO, CHIEF OPER OFFICER 300 MT AUBURN ST CAMBRIDGE, MA 02138-5502 240-39

STOHLMAN, THOMAS J. JR. & KATHARINE M. STOHLMAN 19 CHANNING ST CAMBRIDGE, MA 02138-4713 240-31

MOSELEY, EVA S. 361 MT AUBURN ST UNIT 1 CAMBRIDGE, MA 02138

CAMBRIDGE, MA 02138

242B-49

3 GERRY'S LANDING LLC 155 FEDERAL ST - STE 700 BOSTON, MA 02110

221-10

SMITH, SARAH ELIZABETH 271 MT AUBURN ST CAMBRIDGE, MA 02138

240-52

ORFAO, DAVID & MARY ELIZABETH ORFAO 18 TRAILL ST UNIT 2 CAMBRIDGE, MA 02138

221-10

ELSNER, JACOB JONATHAN ADI OSOVSKY 273 UPLAND RD CAMBRIDGE, MA 02140

239-54

BARRY, CHRISTOPHER P. PAULA F. BARRY CO-TRS 11553 28TH S CIR E PARRISH, FL 34219

221-10

SCUDIERO, EMANUELE S. ALVATORE DELIA R. E BOLA LANGLEY 10 GIBSON ST

CAMBRIDGE, MA 02138

239-40

TORRA, MICHAEL 4 LONGFELLOW RD UNIT 2 CAMBRIDGE, MA 02138

240-31

GALPAROLI MARIA VIVIANA COUSIN MATHIAS J 361 MOUNT AUBURN ST - UNIT 2 CAMBRIDGE, MA 02138

221-10

BENNETT, PHILIP 269 MT AUBURN ST UNIT1 CAMBRIDGE, MA 02138

239-29 WANG HAO

1-3 LONGFELLOW RD - UNIT 2 CAMBRIDGE, MA 02138

240-52

SALTER, MALCOLM S & BARBARA NORR 18 TRAILL ST - UNIT 1

CAMBRIDGE, MA 02138

239-48

**NOLLMAN JORDAN & LARISSA BOUTIQUE** 321 MT AUBURN ST - UNIT 2 CAMBRIDGE, MA 02138

330 Md. auburn St.

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