

BZA APPLICATION FORM

GENERAL INFORMATION

2021 JUN -9 AM 11:36  
OFFICE OF THE CITY CLERK  
CAMBRIDGE, MASSACHUSETTS

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

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

PETITIONER: Kendall Infrastructure LLC, as agent for NSTAR Gas Company

PETITIONER'S ADDRESS: 101 Main Street, 16th Floor, Cambridge, MA 02142

LOCATION OF PROPERTY: 364R Third Street (a/k/a 21 Athenaeum Street)

TYPE OF OCCUPANCY: Utilities ZONING DISTRICT: O-3A / PUD-3

REASON FOR PETITION:

<u>      </u> Additions	<u>      </u> <u>X</u> New Structure
<u>  X  </u> Change in Use/Occupancy	<u>      </u> Parking
<u>      </u> Conversion to Addi'l Dwelling Unit's	<u>      </u> Sign
<u>      </u> Dormer	<u>      </u> Subdivision
<u>      </u> Other: _____	

DESCRIPTION OF PETITIONER'S PROPOSAL:

The Petitioner proposes to relocate a gas regulator station from 330 Third Street, to 364R Third Street (a/k/a 21 Athenaeum Street). The new location currently contains a number of fuel tanks and other structures dedicated to the provision of utilities, and is situated such that the gas regulator station will be significantly more screened from public view, making it a more appropriate location than its existing prominent location on Third Street where it is openly visible by the public.

SECTIONS OF ZONING ORDINANCE CITED:

Article   4   Section 4.32(g)(2) (Gas Regulator Station Use in Zone O-3A)

Article   5   Section 5.32 (Minimum Side Yard Requirement)

Article  10  Section 10.30 & Sec. 10.40

Applicants for a Variance must complete Pages 1-5

Applicants for a Special Permit must complete Pages 1-4 and 6

Applicants for an Appeal to the BZA of a Zoning determination by the Inspectional Services Department must attach a statement concerning the reasons for the appeal.

Original Signature(s):

(Petitioner(s)/Owner)

SALVATORE ZINNO  
(Print Name)

Address: Kendall Infrastructure LLC, as agent for NSTAR Gas Company  
101 Main Street, 16th Floor  
Cambridge, MA 02142

Tel. No.: (858) 663-9372

E-Mail Address: sal.zinno@biomedrealty.com

Date: 5/26/21

**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 Kendall Green Energy LLC \*\*

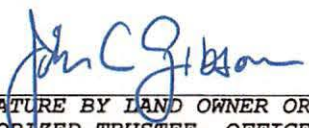
(OWNER)

Address: 100 Franklin Street, 2nd Floor, Boston MA 02110

State that I/We own the property located at 364R Third Street,  
which is the subject of this zoning application.

The record title of this property is in the name of Kendall Green Energy LLC

\*Pursuant to a deed of duly recorded in the date December 30, 1998, Middlesex South  
County Registry of Deeds at Book 29606, Page 92; or  
Middlesex Registry 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 \_\_\_\_\_

The above-name John Gibson personally appeared before me,  
this 12th of April, 2021, and made oath that the above statement is true.

My commission expires \_\_\_\_\_  
 DONALD W. SILVA Notary  
NOTARY PUBLIC  
Commonwealth of Massachusetts  
My Commission Expires July 22, 2027 Seal).

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

\*\* Kendall Green Energy LLC, f/k/a NRG Kendall LLC (see Certificate of Amendment dated February 5, 2014, recorded at Book 69429, Page 123); f/k/a GenOn Kendall, LLC (see Certificate of Amendment dated May 28, 2013, recorded at Book 63242, Page 45); f/k/a Mirant Kendall LLC (see Certificate of Amendment dated December 3, 2010, recorded at Book 60402, Page 296); f/k/a Southern Energy Kendall, LLC (see Certificate of Amendment dated May 28, 2003, recorded at Book 39649, Page 122). Copies of recorded Certificates of Amendment are attached as Exhibit A.

## EXHIBIT B

### SUPPORTING STATEMENTS

#### Project Overview

The Petitioner proposes to relocate a gas regulator station (the “Facility”) to 364R Third Street (a/k/a 21 Athenaeum Street) (the “Property”) from 330 Third Street (the “Project”). The existing Facility is a relic of the historic industrial use of Kendall Square and its relocation away from 330 Third Street is consistent with the long-desired planning goal of the City and the Kendall Square community to prioritize more productive uses that contribute to city life along this thriving Third Street location. The new proposed location at the Property is an ideal location for the Facility. The Property, as well with the adjacent property at 273 First Street that is also owned by Kendall Green Energy LLC, is used exclusively for utility uses and contains a number of fuel tanks and other structures dedicated to the provision of utilities. The addition of the proposed Facility at the Property is entirely consistent with this existing utility use. The proposed Facility will be screened from public view at the Property, making it a much more appropriate location than its existing prominent location on Third Street, where it is openly visible by the public and is the “sore thumb” in the otherwise vibrant and dynamic residential, life sciences and high technology Kendall Square neighborhood.

The timing of this Petition coincides with the upcoming end of the existing Facility’s equipment lifecycle, which makes the Project feasible. Specifically, if the existing Facility is not relocated in connection with this Petition, it will be rebuilt in its existing location, where it will remain for the duration of the new equipment’s lifespan – approximately 40-50 years. Accordingly, the Project presents a once-in-a-generation opportunity to improve the overall livability and enjoyment of Kendall Square.

The Project requires: (i) a variance under Article 5, Section 5.32 for relief from the Ordinance’s minimum left side yard setback requirement; and (ii) a special permit under Article 4, Section 4.32(g)(2) of the Ordinance for the use of the Property as a “gas regulator station” in the O-3A zoning district, both of which are addressed below.

#### Supporting Statement for a Variance

The following statement is provided in connection with the Petition for a Variance for relief from the Minimum Side Yard Requirement of Article 5, Section 5.32 of the Ordinance.

**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:**

A substantial hardship will result from literal enforcement of Section 5.32 of the Ordinance, which requires a minimum left side yard that would otherwise prohibit the relocation of the Facility from 330 Third Street to the proposed new location at the Property. The relocation of the Facility is

vital to the consolidation of utility infrastructure of, and future development within, the Kendall Square neighborhood.

**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:**

The need for the requested variance is a direct result of the unique layout and shape of the existing structures at the Property, including large cylindrical tanks in locations necessary for the existing utility uses on the Property. The area of the Property available for the Facility is within the minimum required left side yard. Because of the shape and topography of the Property, the Facility cannot be located anywhere else. The Property and the adjacent 273 First Street property (which is in common ownership with the Property but contains no available space for the Facility) are the only properties in the Kendall Square neighborhood in the general vicinity of the existing Facility that are dedicated to utilities as the principal use. Given the existing structures at and shape of the Property, the placement of the Facility in the proposed location within the minimum required left side yard will not substantially alter or affect the zoning district in which the Property is located. The minimum left side yard requirement is substantially interfering with the productive use of the Property for its intended purpose.

**C) Desirable relief may be granted without either:**

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

Relocating the Facility from its prominent location at 330 Third Street to a less obtrusive location at the Property will not be a substantial detriment to the public good. In fact, it will substantially improve and promote the public good. The current location of the Facility at 330 Third Street is inappropriate and unsightly, only a few yards, and fully visible, from a street that is heavily travelled by vehicles and pedestrians, as well as directly across from two large residential developments (the Watermark Kendall West and Third Square Apartments).

A number of Cambridge city planning documents, including the Eastern Cambridge Planning Study (2001), the Kendall Square Central Square Planning Study (2013), and Envision Cambridge (2019), have sought to prioritize more productive uses that meaningfully contribute to city life along this thriving corridor, over uses that are relics of the neighborhood's long gone history of industrial uses, such as the Facility. Relocating the Facility to the Property – a suitable location that is exclusively used for utility purposes – will move it much farther from those travelers and residents, and completely or largely screen it from public view.

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

The only dimensional relief required for the application is the requested variance for the minimum left side yard setback. The proposed relocated Facility has been sited in a location that is only 0.2'



(or 2.4”) further into the left side yard setback than the existing left side yard conditions at the Property. Additionally, the left side yard in which the Facility is proposed to be located abuts 500 Kendall Street, which is owned by an affiliate of BioMed Realty (BioMed). BioMed has filed with the Board of Zoning Appeal a letter of support for the Project.

Article 1 Section 1.30 of the Ordinance states that one aspect of the purpose of the Ordinance is “to encourage the most rational use of land throughout the city, including the encouragement of appropriate economic development, the protection of residential neighborhoods from incompatible activities.” The Project will relocate the Facility to a more appropriate location, consolidating the utility facilities in the neighborhood to a limited area, thereby allowing for a more economically beneficial use of the 330 Third Street property. These benefits will not come at the expense of any impairment of neighborhood character or exposure to traffic, hazards, or nuisances.

### **Supporting Statement for a Special Permit**

Granting the special permit requested for the Property 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 discussed above, the Project seeks to relocate a gas regulator station from 330 Third Street to the Property. A “gas regulator station” is a permitted use under Article 4, Section 4.32(g)(2) of the Ordinance in the O-3A zoning district, where the Property is located, upon the issuance of a special permit by the Board of Zoning Appeal.

Section 10.43 of the Ordinance provides that “[s]pecial 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) “it appears that requirements of this Ordinance cannot or will not be met”, which are addressed in the preceding paragraph, or because of the criteria in (B)-(F) below, which are addressed in turn.

The Petitioner proposes to relocate the Facility from 330 Third Street, where its location is not “generally true of the district or of the uses permitted in it”, to the Property, where it will be entirely consistent with the current use of that location for utility purposes.

**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:**

The proposed Facility at the Property will not generate traffic or patterns of access or egress that will cause congestion, hazard or substantial change to the established neighborhood character. The existing Facility at 330 Third Street has minimal traffic impacts. The only regular traffic to and from the existing Facility is limited visits by NSTAR Gas Company (d/b/a Eversource) personnel for service and maintenance purposes. Except during construction, the proposed Facility will have the same number of service visits as the existing Facility. In fact, because the equipment serving

the proposed Facility will be new, the Petitioner anticipates fewer service visits and therefore reduced traffic. Additionally, any Eversource service vehicles will access the proposed Facility via Athenaeum Street and the private alley behind 500 Kendall Street, and will be taken off of the more heavily travelled Third Street.

**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:**

The Property, as well as the adjacent parcel at 273 First Street, is used exclusively for utility purposes, specifically a co-generation station that generates electricity from gas and provides steam in the process for district energy purposes. Relocating the Facility from 330 Third Street to the Property will not adversely affect the continued operation of these existing uses; in fact, the proposed Facility will be entirely consistent with the existing uses of the Property. Nor will it adversely affect any other adjacent uses because the Property is already used for utilities. Further, BioMed Realty, as the owner of the parcels adjacent to the Property, has filed a letter of support for the Project.

**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:**

The Project will not create a nuisance or hazard to the detriment of the health, safety or welfare of the occupants of the Property (or the adjacent 273 First Street) or to the citizens of Cambridge. Any such noise or emissions are being relocated away from residential uses across Kendall Street and Third Street (the Watermark Kendall West and Third Square Apartments, respectively) to the Property, which already contains electrical transformer and steam generation utility uses, and thus can sustain more impacts than a gas regulator station use. Further, because the proposed Facility will be constructed with new equipment that is technologically superior to the decades-old equipment at the existing 330 Third Street location, the Facility will be operated with less noise and fewer emissions.

**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:**

The Project enhances—and does not impair—the integrity of the O-3A zoning district and the adjoining districts, and it will not derogate from the intent or purpose of the Ordinance. As discussed above, the Project is consistent with the goals of the existing Cambridge city planning documents by consolidating the utility uses of the neighborhood and enabling more productive uses along this thriving corridor that meaningfully contribute to city life. The Project will not impair the integrity of the O-3A district or any adjoining district.

Further, because this is a relocation of an existing Facility (and not the addition of a new Facility), it will not result in any additional traffic, smoke, dust, heat or glare, discharge of noxious substances, pollution to waterways or groundwater, or other factors that would be detrimental to

the public interest. In fact, as discussed above, because the proposed Facility will be more technologically advanced and use newer and more efficient materials, the impacts to the district will be reduced.

While the purpose of the Ordinance is multifaceted, the aspects relevant here include conserving the health safety of the general public, conserving the value of land, buildings, and natural resources, preventing blight and pollution, encouraging the highest and best use of land throughout the City, encouraging economic development, and protection from incompatible development. The Project accomplishes all of these goals.

Not only is the Property near the Facility's existing location, but also the Project does not include any material increase to the size or massing of, or traffic to, the Facility that would result in any material changes to the surrounding area. The Property is a far more appropriate setting for the Facility, where it will sit alongside other utility uses and be better screened from public view, as opposed to the incongruous nature of the existing Facility at its prominent Third Street location.

**F) The new use or building construction is consistent with the Urban Design Objectives set forth in Section 19.30 for the following reasons:**

As stated in Section 19.30 of the Ordinance, the Citywide Design 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...*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.*" (Emphasis added). For the reasons below and in this application generally, on balance, the objectives of the city are being served by the Project such that issuing the special permit would not be a detriment to the public interest, but rather serve the public interest.

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

The Project would move the Facility from a highly pedestrian intensive area at 330 Third Street, across from two residential developments, to property exclusively used for utility purposes. When the Facility was initially constructed on 330 Third Street, these residential developments did not exist, and the surrounding area was mostly vacant or used for industrial purposes. Today, however, the surrounding area is a vibrant and thriving residential and commercial neighborhood, filled with employees of life sciences and technology companies, residents, restaurants, and retail. While 330 Third Street may have once been an appropriate location for the Facility, this is no longer the case. This more appropriate location will consolidate the utility facilities in the neighborhood to a limited area, thereby responding to the growth in new development surrounding 330 Third Street.

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

The Project will not cause a change in traffic patterns in the vicinity of the Property that would affect pedestrian flow or cyclists' access to the property or surrounding areas. As discussed above, the existing Facility has minimal traffic impacts, and except for during construction, the proposed Facility will have the same number of service visits as it currently has, if not fewer given the nature of its new equipment. Further, any service traffic will come via Athenaeum Street and the private alley located behind 500 Kendall Street, and will be taken off of the more heavily travelled Third Street where it is currently situated.

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

The Project will lessen the visual impact of the Facility by moving it from its prominent Third Street location, to a site where it will be better screened from public view, and, with its design taking the form of an architecturally screened equipment enclosure—rather than the shed-like building at the Facility's existing location— will visually blend in alongside other existing utility uses. The relocation will not generate any trash, have any loading docks, affect stormwater runoff or landscaped areas, create more than a de minimis shadow, result in any changes to the grade of the Property or the existing structures thereon, have any outdoor lighting, or affect any trees at the property. Indeed, the relocation mitigates the current location's adverse impacts on the neighborhood.

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

The Project will not result in any use of the City infrastructure systems above and beyond its current use, and will have no greater impact on such services in its new location than where it currently exists.

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

The Project would consolidate existing utility infrastructure within Kendall Square, reinforcing the existing landscape at the Property and facilitating the future development of the neighborhood.

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

For the reasons stated above, the Property is clearly not a suitable location for housing, and therefore, the relocation of the Facility to the Property will not occupy land that could otherwise be used for housing.

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

Given that the Property is currently dedicated to utility uses, it is inaccessible to and screened from the public. The Property, together with its adjoining property, 273 First Street, already provide open space public access to the Broad Canal, through a pile-supported walkway. The Project will not adversely impact open space amenities or otherwise reduce open space amenities within the City.



**BZA APPLICATION FORM**

**DIMENSIONAL INFORMATION**

**APPLICANT:** Kendall Infrastructure LLC,  
as agent for NSTAR Gas Company      **PRESENT USE/OCCUPANCY:** Utility Generation Facility

**LOCATION:** 364R Third Street (a/k/a 21 Athenaeum Street)      **ZONE:** O-3A / PUD-3

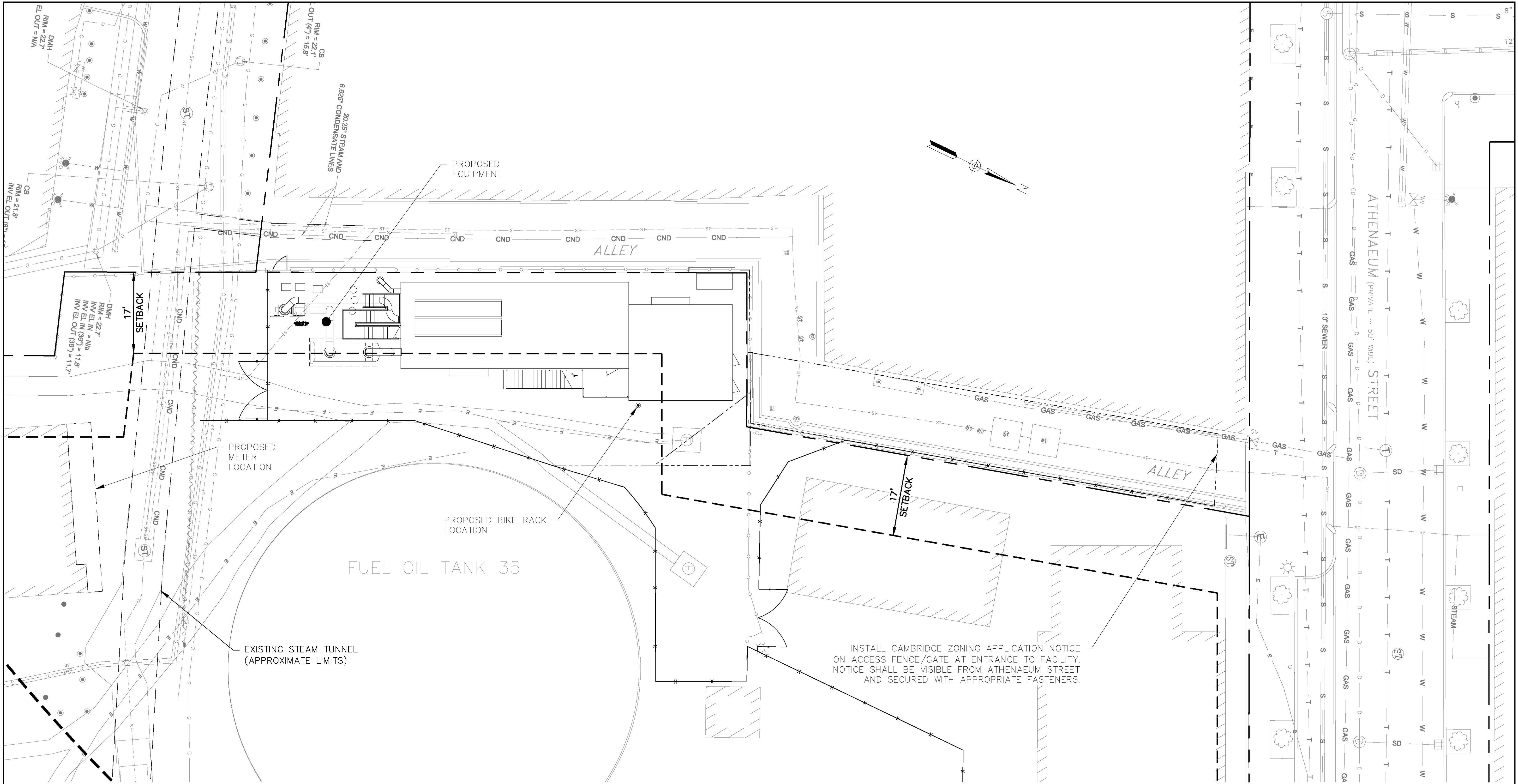
**PHONE:** (858) 663-9372      **REQUESTED USE/OCCUPANCY:** Adding Gas Regulator Station Use

	<u>EXISTING CONDITIONS</u>	<u>REQUESTED CONDITIONS</u>	<u>ORDINANCE REQUIREMENTS<sup>1</sup></u>
<u>TOTAL GROSS FLOOR AREA:</u>	<u>16,300 SF</u>	<u>18,660 SF</u>	<u>121,800 SF</u> (max.)
<u>LOT AREA:</u>	<u>56,977 SF</u>		<u>5,000 SF</u> (min.)
<u>RATIO OF GROSS FLOOR AREA TO LOT AREA:</u>	<u>0.29</u>	<u>0.33</u>	<u>2.0</u> (max.)
<u>LOT AREA FOR EACH DWELLING UNIT:</u>	<u>N/A</u>	<u>N/A</u>	<u>N/A</u> (min.)
<u>SIZE OF LOT:</u>			
<u>WIDTH</u>	<u>57 FT</u>		<u>50 FT</u> (min.)
<u>DEPTH</u>			
<u>Setbacks in Feet:</u>			
<u>FRONT</u>	<u>4.2 FT</u>	<u>No change</u>	<u>6 FT</u> (min.)
<u>REAR</u>	<u>27.6 FT</u>	<u>No change</u>	<u>6 FT</u> (min.)
<u>LEFT SIDE</u>	<u>2.2 FT</u>	<u>2 FT</u>	<u>17 FT</u> (min.)
<u>RIGHT SIDE</u>	<u>0 FT</u>	<u>No change</u>	<u>17 FT</u> (min.)
<u>SIZE OF BLDG.:</u>			
<u>HEIGHT</u>	<u>N/A</u>	<u>28 FT</u>	<u>90 FT</u> (max.)
<u>LENGTH</u>			
<u>WIDTH</u>			
<u>RATIO OF USABLE OPEN SPACE TO LOT AREA:<sup>2</sup></u>	<u>0%</u>	<u>No change</u>	<u>10%</u> (min.)
<u>NO. OF DWELLING UNITS:</u>	<u>N/A</u>	<u>No change</u>	<u>N/A</u> (max.)
<u>NO. OF PARKING SPACES:</u>	<u>N/A</u>	<u>No change</u>	<u>N/A</u> (min./max)
<u>NO. OF LOADING AREAS:</u>	<u>N/A</u>	<u>No change</u>	<u>N/A</u> (min.)
<u>DISTANCE TO NEAREST BLDG. ON SAME LOT:</u>	<u>N/A</u>	<u>No change</u>	<u>None</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.

The lot is currently used by the Owner for its steam production plant and contains a fuel oil storage tank and other facilities and structures that support the steam generation plant. It also contains an electricity transfer station used by the Petitioner. The gross floor area of the other buildings on the lot are 16,300 SF. The type of construction for the gas regulator station is steel frame.

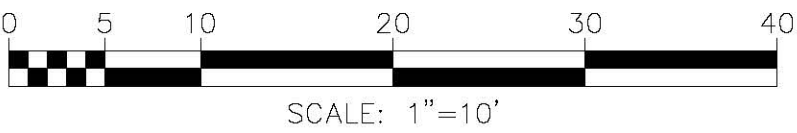
1. SEE CAMBRIDGE ZONING ORDINANCE ARTICLE 5.000, SECTION 5.30 (DISTRICT OF DIMENSIONAL REGULATIONS).
2. TOTAL GROSS FLOOR AREA (INCLUDING BASEMENT 7'-0" IN HEIGHT AND ATTIC AREAS GREATER THAN 5') DIVIDED BY LOT AREA.
3. OPEN SPACE SHALL NOT INCLUDE PARKING AREAS, WALKWAYS OR DRIVEWAYS AND SHALL HAVE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

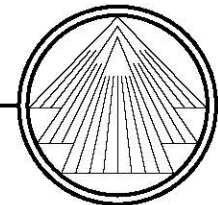


OVERALL SITE PLAN

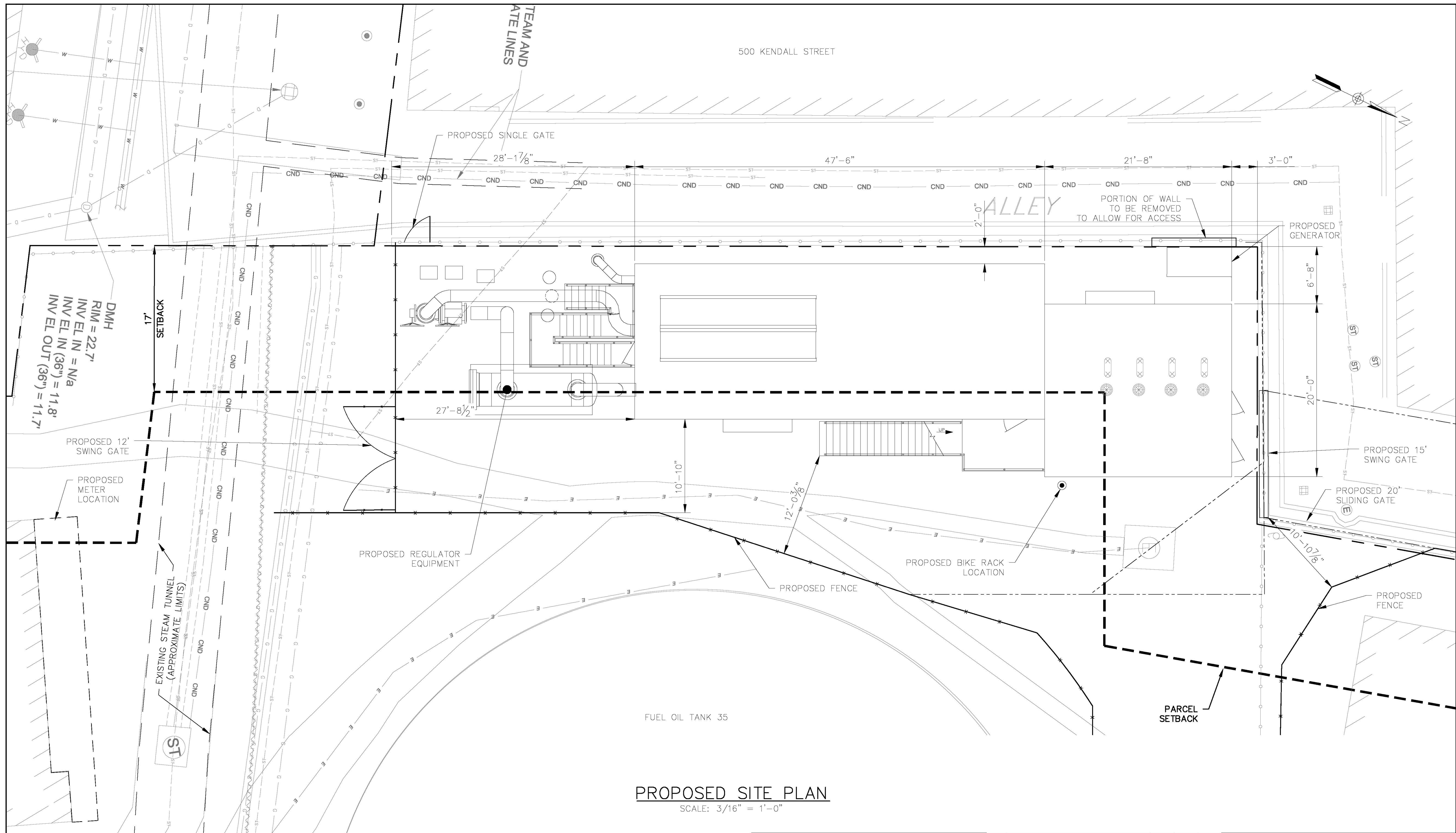
SCALE: 1" = 10'

PRELIMINARY



<div><div></div><div>TRI-MONT Engineering Co. Plymouth, MA</div></div>	Title OVERALL SITE PLAN				
CLIENT	D	UPDATE BUILDING	AVA	04/21/21	TRI-MONT
PROJECT	C	UPDATE EQUIPMENT & PIPING	AVA	02/12/21	By AVA
	B	INCORPORATE COMMENTS	AVA	01/29/21	Date
	A	ISSUED FOR REVIEW	AVA	01/25/21	Client Approved
	No.	Description REVISIONS	By	Date	Appd
364R THIRD STREET REGULATOR STATION		Scale: 1" = 10'			Job No. D-181-02-GTS-M00
					Drawing No. D
					Rev. No. D





PROPOSED SITE PLAN  
SCALE: 3/16" = 1'-0"

PRELIMINARY



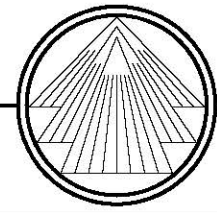
 TRI-MONT Engineering Co. Plymouth, MA						Title PROPOSED SITE PLAN BUILDING ONLY					
CLIENT						TRI-MONT	By	Date	Client	By	Date
PROJECT		364R THIRD STREET REGULATOR STATION				Drawn	AVA		Approved		
						Checked			Approved		
						Approved			Approved		
						Scale:		Job No.		Drawing No.	
						3/16" = 1'-0"		D-181-02-GTS-M01A		Rev. No.	
						No.	Description	By	Date	Appd	
						REVISIONS					
						H	UPDATE BUILDING	AVA	04/21/21		
						G	UPDATE EQUIPMENT & PIPING	AVA	02/12/21		
						F	INCORPORATE COMMENTS	AVA	01/29/21		
						E	INCORPORATE COMMENTS	AVA	01/25/21		
						D	INCORPORATE COMMENTS	AVA	01/13/21		
						C	ISSUED FOR REVIEW - 25%	AVA	11/23/20		
						B	ISSUED FOR REVIEW	AVA	10/23/20		
						A	ISSUED FOR REVIEW	AVA	09/28/20		

EXHIBIT A

CERTIFICATES OF AMENDMENT OF OWNER

[See Attached]



2017 00089228

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Page: 1 of 4 06/14/2017 12:45 PM

CERTIFICATE OF AMENDMENT  
OF A  
FOREIGN LIMITED LIABILITY COMPANY

1. The name of the foreign limited liability company is: NRG Kendall LLC
2. Its jurisdiction of organization and date of organization is: Delaware - June 24, 1998
3. The date its Application for Registration was filed with the Massachusetts Secretary of the Commonwealth is: October 15, 1998
4. The name and business address, if different from its principal office location, of each manager: None
5. The amendment to its Application for Registration is as follows:
  - (i) The name of the Limited Liability Company is Kendall Green Energy LLC
  - (ii) All managers are removed.
  - (iii) Section 8 stating, "The latest date on which the company is to dissolve is December 31, 2097" is deleted in its entirety.

*[Remainder of page intentionally left blank]*

Nutter McClennen  
+ Fish  
155 Seaport Blvd.  
Boston MA 02210



02/10/2014 13:23 16174280928

CT

PAGE 03/04

IN WITNESS WHEREOF, the undersigned has executed this Certificate of Amendment  
as of the 5th day of February, 2014.

**NRG KENDALL LLC**

By: KENDALL GREEN ENERGY  
HOLDINGS LLC, its sole member

By: 

Name: Robert Arendell

Title: Authorized Person

*[Signature Page to Certificate of Amendment]*

# Delaware

PAGE 1

*The First State*


I, JEFFREY W. BULLOCK, SECRETARY OF STATE OF THE STATE OF  
DELAWARE, DO HEREBY CERTIFY THAT THE SAID "NRG KENDALL LLC",  
FILED A CERTIFICATE OF AMENDMENT, CHANGING ITS NAME TO "KENDALL  
GREEN ENERGY LLC", THE THIRD DAY OF FEBRUARY, A.D. 2014, AT 5:52  
O'CLOCK P.M.



2901233 8320

140152120

You may verify this certificate online  
at [corp.delaware.gov/authver.shtml](http://corp.delaware.gov/authver.shtml)

  
Jeffrey W. Bullock, Secretary of State  
AUTHENTICATION: 1121511

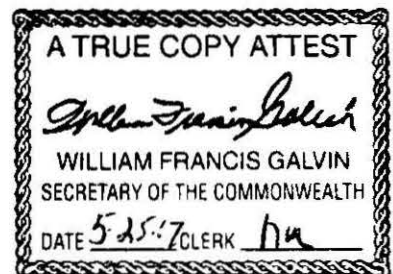
DATE: 02-10-14

## THE COMMONWEALTH OF MASSACHUSETTS

I hereby certify that, upon examination of this document, duly submitted to me, it appears that the provisions of the General Laws relative to corporations have been complied with, and I hereby approve said articles; and the filing fee having been paid, said articles are

deemed to have been filed with me on:

February 10, 2014 01:24 PM



A large, stylized handwritten signature of William Francis Galvin.

WILLIAM FRANCIS GALVIN

*Secretary of the Commonwealth*



2014 00014116

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Page: 1 of 1 02/03/2014 10:44 AM

# Delaware

PAGE 1

*The First State*

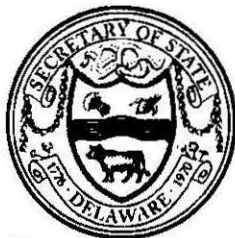
I, JEFFREY W. BULLOCK, SECRETARY OF STATE OF THE STATE OF DELAWARE, DO HEREBY CERTIFY THAT THE SAID "GENON KENDALL, LLC", FILED A CERTIFICATE OF AMENDMENT, CHANGING ITS NAME TO "NRG KENDALL LLC", THE TWENTY-EIGHTH DAY OF MAY, A.D. 2013, AT 4:59 O'CLOCK P.M.


AND I DO HEREBY FURTHER CERTIFY THAT THE AFORESAID LIMITED LIABILITY COMPANY IS DULY FORMED UNDER THE LAWS OF THE STATE OF DELAWARE AND IS IN GOOD STANDING AND HAS A LEGAL EXISTENCE NOT HAVING BEEN CANCELLED OR DISSOLVED SO FAR AS THE RECORDS OF THIS OFFICE SHOW AND IS DULY AUTHORIZED TO TRANSACT BUSINESS.

2901233 8320

131434154

You may verify this certificate online  
at [corp.delaware.gov/authver.shtml](http://corp.delaware.gov/authver.shtml)



  
Jeffrey W. Bullock, Secretary of State  
AUTHENTICATION: 0988004

DATE: 12-17-13

PLEASE RETURN TO:  
FIDELITY NATIONAL TITLE INSURANCE COMPANY  
133 FEDERAL STREET, 12TH FLOOR  
BOSTON, MA 02110 130300 RTC



2012 00240483

Bk: 60402 Pg: 296 Doc: CERT

Page: 1 of 2 11/02/2012 10:54 AM

# Delaware

PAGE 1

*The First State*

I, JEFFREY W. BULLOCK, SECRETARY OF STATE OF THE STATE OF DELAWARE, DO HEREBY CERTIFY THE ATTACHED IS A TRUE AND CORRECT COPY OF THE CERTIFICATE OF AMENDMENT OF "MIRANT KENDALL, LLC", CHANGING ITS NAME FROM "MIRANT KENDALL, LLC" TO "GENON KENDALL, LLC", FILED IN THIS OFFICE ON THE THIRD DAY OF DECEMBER, A.D. 2010, AT 12:11 O'CLOCK P.M.

265 First St.  
Cambridge, MA

2901233 8100

101145175

You may verify this certificate online  
at [corp.delaware.gov/authver.shtml](http://corp.delaware.gov/authver.shtml)



*Jeffrey W. Bullock*  
AUTHENTICATION: 8399039

DATE: 12-03-10

Return to:

Foley Hoag LLP  
c/o Jacob Polatin Esq.  
155 Seaport Blvd.  
Boston, MA 02210



12/03/2010 12:02 SKARDEL LLC → 913027393673

NO. 053 002

State of Delaware  
Secretary of State  
Division of Corporations  
Delivered 12:11 PM 12/03/2010  
FILED 12:11 PM 12/03/2010  
SRV 101145175 - 2001233 FILE

## CERTIFICATE OF AMENDMENT

TO

## CERTIFICATE OF FORMATION

OF

MIRANT KENDALL, LLC

---

Pursuant to Section 18-202 of the  
Delaware Limited Liability Company Act

---

1. The name of the limited liability company is Mirant Kendall, LLC  
(the "Company").
2. The Certificate of Formation of the Company is hereby amended to  
change the name of the Company to GenOn Kendall, LLC.
3. Accordingly, Article 1. of the Certificate of Formation shall, as  
amended, read as follows:  
  
"1. The name of the limited liability company is GenOn Kendall,  
LLC."

IN WITNESS WHEREOF, the undersigned authorized person has  
executed this Certificate of Amendment this 3<sup>rd</sup> day of December, 2010.

MIRANT KENDALL, LLC

By: 

Name: Allison Cunningham  
Title: Authorized Person



William Francis Galvin  
Secretary of the  
Commonwealth

*The Commonwealth of Massachusetts*  
*Secretary of the Commonwealth*  
*State House, Boston, Massachusetts 02133*

May 28, 2003



Bk: 39649 Pg: 122

Recorded: 06/23/2003

Document: 00000530 Page: 1 of 3

TO WHOM IT MAY CONCERN:

I hereby certify that a certificate of registration of a Foreign Limited Liability Company was filed in this office by

**MIRANT KENDALL, LLC**

in accordance with the provisions of Massachusetts General Laws Chapter 156C on **October 15, 1998**.

I also certify that the following amendments to said Limited Liability Company have been filed:

**Amendment Filed August 3, 2001**

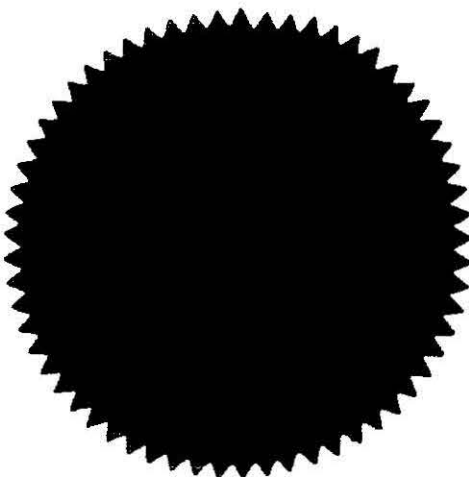
**Amendment filed April 11, 2001 Name Change See Attached**

I further certify that no other amendments have been filed; and that, so far as appears of record here, said registration has not been cancelled or withdrawn..

In testimony of which,  
I have hereunto affixed the  
**Great Seal of the Commonwealth**  
on the date first above written.

*William Francis Galvin*

Secretary of the Commonwealth





**The Commonwealth of Massachusetts**  
**William Francis Galvin**

Secretary of the Commonwealth  
One Ashburton Place, Boston, Massachusetts 02108-1512  
Telephone: (617) 727-9640

**MIRANT KENDALL, LLC Summary Screen**



Help with this form

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The exact name of the Foreign Limited Liability Company (LLC): MIRANT KENDALL, LLC ✓

The name was changed from: SOUTHERN ENERGY KENDALL, L.L.C. on 4/11/01 ✓

Entity Type: Foreign Limited Liability Company (LLC)

Identification Number (FEIN, Trust ID, etc.): 582415568

Date of Registration in Massachusetts: 10/15/1998

The is organized under the laws of: State: DE Country: USA on: Jun 24 1998

**The location of its principal office:**

No. and Street: 900 ASHWOOD PKWY., STE. 500

City or Town: ATLANTA

State: GA Zip: 30338-0000 Country: USA

**The location of its Massachusetts, if any:**

No. and Street: ANNUAL REPORT FOR 2001

City or Town: NONE

State: MA Zip: 00000 Country: USA

**The name and address of the Resident Agent:**

Name: NATIONAL REGISTERED AGENTS, INC.

No. and Street: 303 CONGRESS STREET, 2ND FLOOR

City or Town: BOSTON

State: MA Zip: 02110 Country: USA

**The name and business address of each manager:**

Title	Individual Name First, Middle, Last, Suffix	Address (no PO Box) Address, City or Town, State, Zip Code
MANAGER	MIRANT NEW ENGLAND, INC.	1155 PERIMETER CENTER WEST ATLANTA, GA 30338 USA

The name and business address of the person in addition to the manager, who is authorized to execute documents to be filed with the Corporations Division.

<b>Title</b>	<b>Individual Name</b> First, Middle, Last, Suffix	<b>Address</b> (no PO Box) Address, City or Town, State, Zip Code
Prior to August 27, 2001, Records can be obtained on Microfilm		

**The name and business address of the person(s) authorized to execute, acknowledge, deliver and record any recordable instrument purporting to affect an interest in real property**

<b>Title</b>	<b>Individual Name</b> First, Middle, Last, Suffix	<b>Address</b> (no PO Box) Address, City or Town, State, Zip Code
Prior to August 27, 2001, Records can be obtained on Microfilm		

☐ Consent    ☐ Manufacturer    ☐ Confidential Data    ☐ Does Not Require Annual Report  
☐ Partnership    ☒ Resident Agent    ☒ For Profit    ☐ Merger Allowed

**Select a type of filing from below to view this business entity filings:**

ALL FILINGS  
 Annual Report  
 Application For Registration  
 Certificate of Amendment  
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## EXHIBIT B

### SUPPORTING STATEMENTS

#### **Project Overview**

The Petitioner proposes to relocate a gas regulator station (the “Facility”) to 364R Third Street (a/k/a 21 Athenaeum Street) (the “Property”) from 330 Third Street (the “Project”). The existing Facility is a relic of the historic industrial use of Kendall Square and its relocation away from 330 Third Street is consistent with the long-desired planning goal of the City and the Kendall Square community to prioritize more productive uses that contribute to city life along this thriving Third Street location. The new proposed location at the Property is an ideal location for the Facility. The Property, as well with the adjacent property at 273 First Street that is also owned by Kendall Green Energy LLC, is used exclusively for utility uses and contains a number of fuel tanks and other structures dedicated to the provision of utilities. The addition of the proposed Facility at the Property is entirely consistent with this existing utility use. The proposed Facility will be screened from public view at the Property, making it a much more appropriate location than its existing prominent location on Third Street, where it is openly visible by the public and is the “sore thumb” in the otherwise vibrant and dynamic residential, life sciences and high technology Kendall Square neighborhood.

The timing of this Petition coincides with the upcoming end of the existing Facility’s equipment lifecycle, which makes the Project feasible. Specifically, if the existing Facility is not relocated in connection with this Petition, it will be rebuilt in its existing location, where it will remain for the duration of the new equipment’s lifespan – approximately 40-50 years. Accordingly, the Project presents a once-in-a-generation opportunity to improve the overall livability and enjoyment of Kendall Square.

The Project requires: (i) a variance under Article 5, Section 5.32 for relief from the Ordinance’s minimum left side yard setback requirement; and (ii) a special permit under Article 4, Section 4.32(g)(2) of the Ordinance for the use of the Property as a “gas regulator station” in the O-3A zoning district, both of which are addressed below.

#### **Supporting Statement for a Variance**

The following statement is provided in connection with the Petition for a Variance for relief from the Minimum Side Yard Requirement of Article 5, Section 5.32 of the Ordinance.

**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:**

A substantial hardship will result from literal enforcement of Section 5.32 of the Ordinance, which requires a minimum left side yard that would otherwise prohibit the relocation of the Facility from 330 Third Street to the proposed new location at the Property. The relocation of the Facility is



vital to the consolidation of utility infrastructure of, and future development within, the Kendall Square neighborhood.

**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:**

The need for the requested variance is a direct result of the unique layout and shape of the existing structures at the Property, including large cylindrical tanks in locations necessary for the existing utility uses on the Property. The area of the Property available for the Facility is within the minimum required left side yard. Because of the shape and topography of the Property, the Facility cannot be located anywhere else. The Property and the adjacent 273 First Street property (which is in common ownership with the Property but contains no available space for the Facility) are the only properties in the Kendall Square neighborhood in the general vicinity of the existing Facility that are dedicated to utilities as the principal use. Given the existing structures at and shape of the Property, the placement of the Facility in the proposed location within the minimum required left side yard will not substantially alter or affect the zoning district in which the Property is located. The minimum left side yard requirement is substantially interfering with the productive use of the Property for its intended purpose.

**C) Desirable relief may be granted without either:**

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

Relocating the Facility from its prominent location at 330 Third Street to a less obtrusive location at the Property will not be a substantial detriment to the public good. In fact, it will substantially improve and promote the public good. The current location of the Facility at 330 Third Street is inappropriate and unsightly, only a few yards, and fully visible, from a street that is heavily travelled by vehicles and pedestrians, as well as directly across from two large residential developments (the Watermark Kendall West and Third Square Apartments).

A number of Cambridge city planning documents, including the Eastern Cambridge Planning Study (2001), the Kendall Square Central Square Planning Study (2013), and Envision Cambridge (2019), have sought to prioritize more productive uses that meaningfully contribute to city life along this thriving corridor, over uses that are relics of the neighborhood's long gone history of industrial uses, such as the Facility. Relocating the Facility to the Property – a suitable location that is exclusively used for utility purposes – will move it much farther from those travelers and residents, and completely or largely screen it from public view.

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

The only dimensional relief required for the application is the requested variance for the minimum left side yard setback. The proposed relocated Facility has been sited in a location that is only 0.2'

(or 2.4”) further into the left side yard setback than the existing left side yard conditions at the Property. Additionally, the left side yard in which the Facility is proposed to be located abuts 500 Kendall Street, which is owned by an affiliate of BioMed Realty (BioMed). BioMed has filed with the Board of Zoning Appeal a letter of support for the Project.

Article 1 Section 1.30 of the Ordinance states that one aspect of the purpose of the Ordinance is “to encourage the most rational use of land throughout the city, including the encouragement of appropriate economic development, the protection of residential neighborhoods from incompatible activities.” The Project will relocate the Facility to a more appropriate location, consolidating the utility facilities in the neighborhood to a limited area, thereby allowing for a more economically beneficial use of the 330 Third Street property. These benefits will not come at the expense of any impairment of neighborhood character or exposure to traffic, hazards, or nuisances.

### **Supporting Statement for a Special Permit**

Granting the special permit requested for the Property 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 discussed above, the Project seeks to relocate a gas regulator station from 330 Third Street to the Property. A “gas regulator station” is a permitted use under Article 4, Section 4.32(g)(2) of the Ordinance in the O-3A zoning district, where the Property is located, upon the issuance of a special permit by the Board of Zoning Appeal.

Section 10.43 of the Ordinance provides that “[s]pecial 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) “it appears that requirements of this Ordinance cannot or will not be met”, which are addressed in the preceding paragraph, or because of the criteria in (B)-(F) below, which are addressed in turn.

The Petitioner proposes to relocate the Facility from 330 Third Street, where its location is not “generally true of the district or of the uses permitted in it”, to the Property, where it will be entirely consistent with the current use of that location for utility purposes.

#### **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:**

The proposed Facility at the Property will not generate traffic or patterns of access or egress that will cause congestion, hazard or substantial change to the established neighborhood character. The existing Facility at 330 Third Street has minimal traffic impacts. The only regular traffic to and from the existing Facility is limited visits by NSTAR Gas Company (d/b/a Eversource) personnel for service and maintenance purposes. Except during construction, the proposed Facility will have the same number of service visits as the existing Facility. In fact, because the equipment serving

the proposed Facility will be new, the Petitioner anticipates fewer service visits and therefore reduced traffic. Additionally, any Eversource service vehicles will access the proposed Facility via Athenaeum Street and the private alley behind 500 Kendall Street, and will be taken off of the more heavily travelled Third Street.

**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:**

The Property, as well as the adjacent parcel at 273 First Street, is used exclusively for utility purposes, specifically a co-generation station that generates electricity from gas and provides steam in the process for district energy purposes. Relocating the Facility from 330 Third Street to the Property will not adversely affect the continued operation of these existing uses; in fact, the proposed Facility will be entirely consistent with the existing uses of the Property. Nor will it adversely affect any other adjacent uses because the Property is already used for utilities. Further, BioMed Realty, as the owner of the parcels adjacent to the Property, has filed a letter of support for the Project.

**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:**

The Project will not create a nuisance or hazard to the detriment of the health, safety or welfare of the occupants of the Property (or the adjacent 273 First Street) or to the citizens of Cambridge. Any such noise or emissions are being relocated away from residential uses across Kendall Street and Third Street (the Watermark Kendall West and Third Square Apartments, respectively) to the Property, which already contains electrical transformer and steam generation utility uses, and thus can sustain more impacts than a gas regulator station use. Further, because the proposed Facility will be constructed with new equipment that is technologically superior to the decades-old equipment at the existing 330 Third Street location, the Facility will be operated with less noise and fewer emissions.

**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:**

The Project enhances—and does not impair—the integrity of the O-3A zoning district and the adjoining districts, and it will not derogate from the intent or purpose of the Ordinance. As discussed above, the Project is consistent with the goals of the existing Cambridge city planning documents by consolidating the utility uses of the neighborhood and enabling more productive uses along this thriving corridor that meaningfully contribute to city life. The Project will not impair the integrity of the O-3A district or any adjoining district.

Further, because this is a relocation of an existing Facility (and not the addition of a new Facility), it will not result in any additional traffic, smoke, dust, heat or glare, discharge of noxious substances, pollution to waterways or groundwater, or other factors that would be detrimental to

the public interest. In fact, as discussed above, because the proposed Facility will be more technologically advanced and use newer and more efficient materials, the impacts to the district will be reduced.

While the purpose of the Ordinance is multifaceted, the aspects relevant here include conserving the health safety of the general public, conserving the value of land, buildings, and natural resources, preventing blight and pollution, encouraging the highest and best use of land throughout the City, encouraging economic development, and protection from incompatible development. The Project accomplishes all of these goals.

Not only is the Property near the Facility's existing location, but also the Project does not include any material increase to the size or massing of, or traffic to, the Facility that would result in any material changes to the surrounding area. The Property is a far more appropriate setting for the Facility, where it will sit alongside other utility uses and be better screened from public view, as opposed to the incongruous nature of the existing Facility at its prominent Third Street location.

**F) The new use or building construction is consistent with the Urban Design Objectives set forth in Section 19.30 for the following reasons:**

As stated in Section 19.30 of the Ordinance, the Citywide Design 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...*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.*" (Emphasis added). For the reasons below and in this application generally, on balance, the objectives of the city are being served by the Project such that issuing the special permit would not be a detriment to the public interest, but rather serve the public interest.

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

The Project would move the Facility from a highly pedestrian intensive area at 330 Third Street, across from two residential developments, to property exclusively used for utility purposes. When the Facility was initially constructed on 330 Third Street, these residential developments did not exist, and the surrounding area was mostly vacant or used for industrial purposes. Today, however, the surrounding area is a vibrant and thriving residential and commercial neighborhood, filled with employees of life sciences and technology companies, residents, restaurants, and retail. While 330 Third Street may have once been an appropriate location for the Facility, this is no longer the case. This more appropriate location will consolidate the utility facilities in the neighborhood to a limited area, thereby responding to the growth in new development surrounding 330 Third Street.

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

The Project will not cause a change in traffic patterns in the vicinity of the Property that would affect pedestrian flow or cyclists' access to the property or surrounding areas. As discussed above, the existing Facility has minimal traffic impacts, and except for during construction, the proposed Facility will have the same number of service visits as it currently has, if not fewer given the nature of its new equipment. Further, any service traffic will come via Athenaeum Street and the private alley located behind 500 Kendall Street, and will be taken off of the more heavily travelled Third Street where it is currently situated.

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

The Project will lessen the visual impact of the Facility by moving it from its prominent Third Street location, to a site where it will be better screened from public view, and, with its design taking the form of an architecturally screened equipment enclosure—rather than the shed-like building at the Facility's existing location— will visually blend in alongside other existing utility uses. The relocation will not generate any trash, have any loading docks, affect stormwater runoff or landscaped areas, create more than a de minimis shadow, result in any changes to the grade of the Property or the existing structures thereon, have any outdoor lighting, or affect any trees at the property. Indeed, the relocation mitigates the current location's adverse impacts on the neighborhood.

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

The Project will not result in any use of the City infrastructure systems above and beyond its current use, and will have no greater impact on such services in its new location than where it currently exists.

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

The Project would consolidate existing utility infrastructure within Kendall Square, reinforcing the existing landscape at the Property and facilitating the future development of the neighborhood.

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

For the reasons stated above, the Property is clearly not a suitable location for housing, and therefore, the relocation of the Facility to the Property will not occupy land that could otherwise be used for housing.

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

Given that the Property is currently dedicated to utility uses, it is inaccessible to and screened from the public. The Property, together with its adjoining property, 273 First Street, already provide open space public access to the Broad Canal, through a pile-supported walkway. The Project will not adversely impact open space amenities or otherwise reduce open space amenities within the City.

The map illustrates the Charles River Basin area, highlighting several key locations and proposed walkways. The streets shown include Binney St, Munroe St, Third St, Kendall St, Broad Canal Way, Main St, and Memorial Dr. Key locations marked include 286 Third St Walkway, 303 Third Walkway Access, Henri A. Termeer Square, Kendall Square South Plaza Adjunct, South Plaza Park, Broad Canal Boat Dock, Broad Canal Boardwalk, and Broad Canal Walkway. The Charles River Basin is shown at the bottom, with several 'Charles River Basin' labels. The map also shows various lot numbers and addresses.



364R Third St.

Sectioner

14-26

MIT 139 MAIN ST FEE OWNER LLC  
C/O MIT INVESTMENT MGMT CO  
ONE BROADWAY, 9TH FL, SUITE 200  
CAMBRIDGE, MA 02142

14-39

COMMONWEALTH GAS CO.  
C/O NSTAR GAS CO - PROPERTY TAX DEPT  
P.O. BOX 270  
HARTFORD, CT 06141-0270

ANDERSON & KREIGER LLP  
C/O JILLIAN BARGAR  
50 MILK STREET - 21<sup>ST</sup> FL.  
BOSTON, MA 02109

14-36-23

RREEF AMERICA REIT II CORP. PPP  
C/O CB RICHARD ELLIS  
P.O. BX 4900, #207  
SCOTTSDALE, AZ 85261-4900

14-41

SOUTHERN ENERGY KENDALL  
C/O BRIAN KRAMSCHUSTER  
13155 NOEL RD., SUITE 100  
DALLAS, TX 75240

ANDERSON & KREIGER LLP  
C/O DAVID L. WIENER  
50 MILK STREET - 21<sup>ST</sup> FL.  
BOSTON, MA 02109

15-3

ARE-MA REGION NO. 38 LLC,  
PO BOX 847  
CARLSBAD, CA 92018

13-21

SOUTHERN ENERGY KENDALL  
C/O BRIAN KRAMSCHUSTER  
13155 NOEL RD., SUITE 100  
DALLAS, TX 75240

KENDALL INFRASTRUCTURE LLC  
AS AGENT OF NSTAR GAS COMPANY  
C/O SALVATORE ZINNO  
101 MAIN STREET - 16<sup>TH</sup> FLOOR  
CAMBRIDGE, MA 02142

14-44

BMR-675 WEST KENDALL STREET LLC,  
C/O RYAN LLC  
P.O. BOX 847  
CARLSBAD, CA 92018

14-46

BMR-THIRD LLC ATTN: LEGAL DEPARTMENT  
17190 BERNARDO CENTER DRIVE  
SAN DIEGO, CA 92128

14-47

BMR-500 KENDALL STREET LLC,  
C/O RYAN LLC  
P.O. BOX 847  
CARLSBAD, CA 92018

14-49-55-45-54-52-50-57-56-1038

BMR KENDALL DEVELOPMENT LLC,  
C/O RYAN LLC  
P.O. BOX 847  
CARLSBAD, CA 92018

14-1038

TP/P KENDALL RETAIL, LLC.  
3399 PEACHTREE ROAD NE, SUITE 600  
ATLANTA, GA 30326

14-1038

WATERMARK II MEMBER, LLC  
801 GRAND AVENUE  
DES MOINES, IA 50392

14-1038

TP/P KENDALL SQUARE, LLC.  
GABLES RESIDENTIAL C/O DARCI WATSON  
3399 PEACHTREE RD NE, SUITE 600  
ATLANTA, GA 30326

14-59

MIT 165 MAIN ST FEE OWNER LLC  
C/O MIT CAMBRIDGE REAL ESTATE LLC  
ONE BROADWAY, SUITE 09-200  
CAMBRIDGE, MA 02142

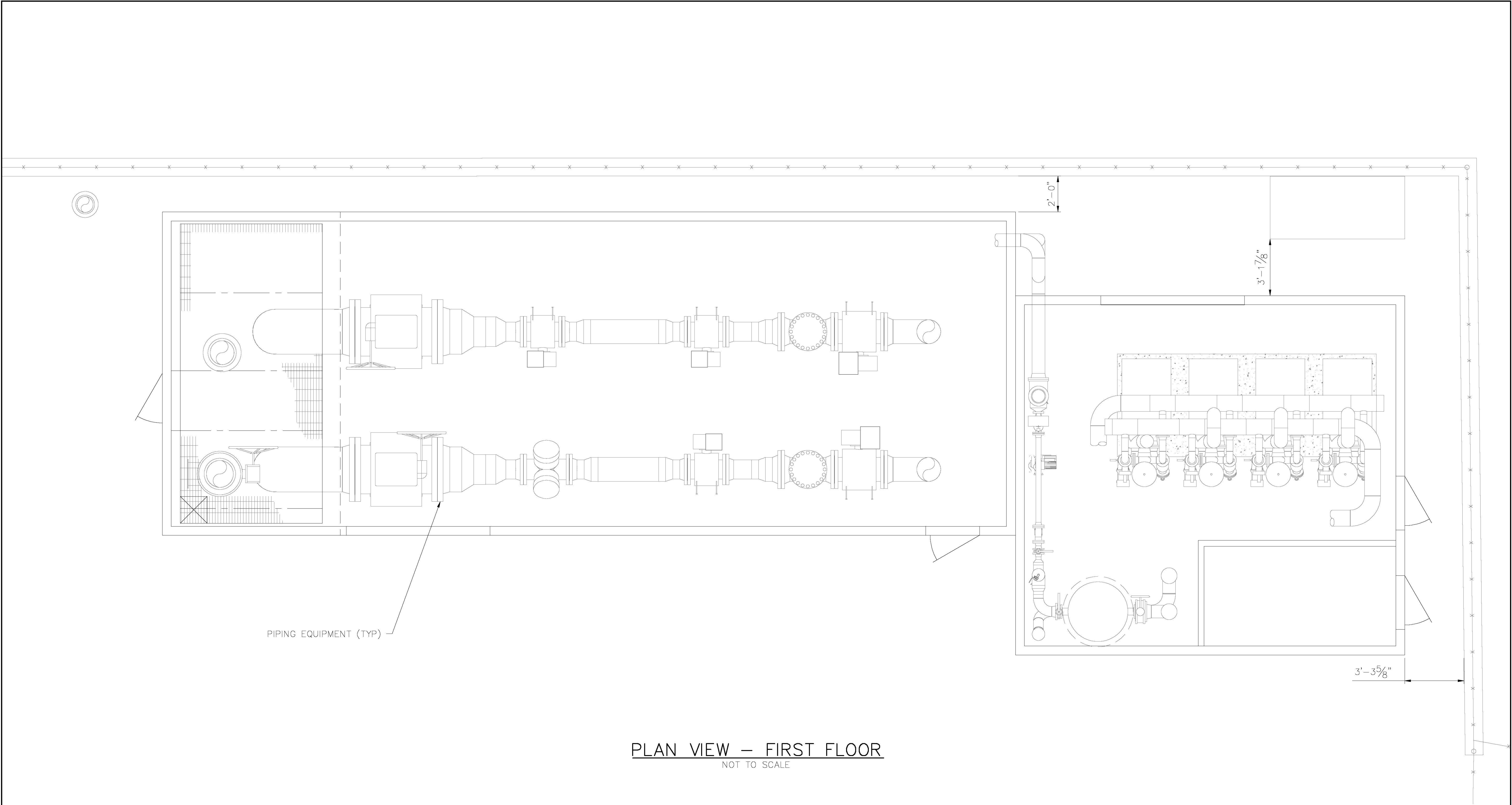
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MIT ONE BROADWAY FEE OWNER, LLC  
C/O MIT INVESTMENT MANG.  
ONE BROADWAY, 9TH FL. SUITE 200  
CAMBRIDGE, MA 02142

13-16

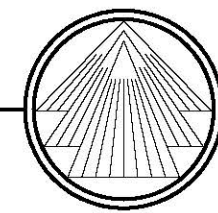
CLPF-CAMBRIDGE SCIENCE CENTER, LLC,  
C/O LINCOLN PROPERTY COMPANY  
245 FIRST ST  
CAMBRIDGE, MA 02142

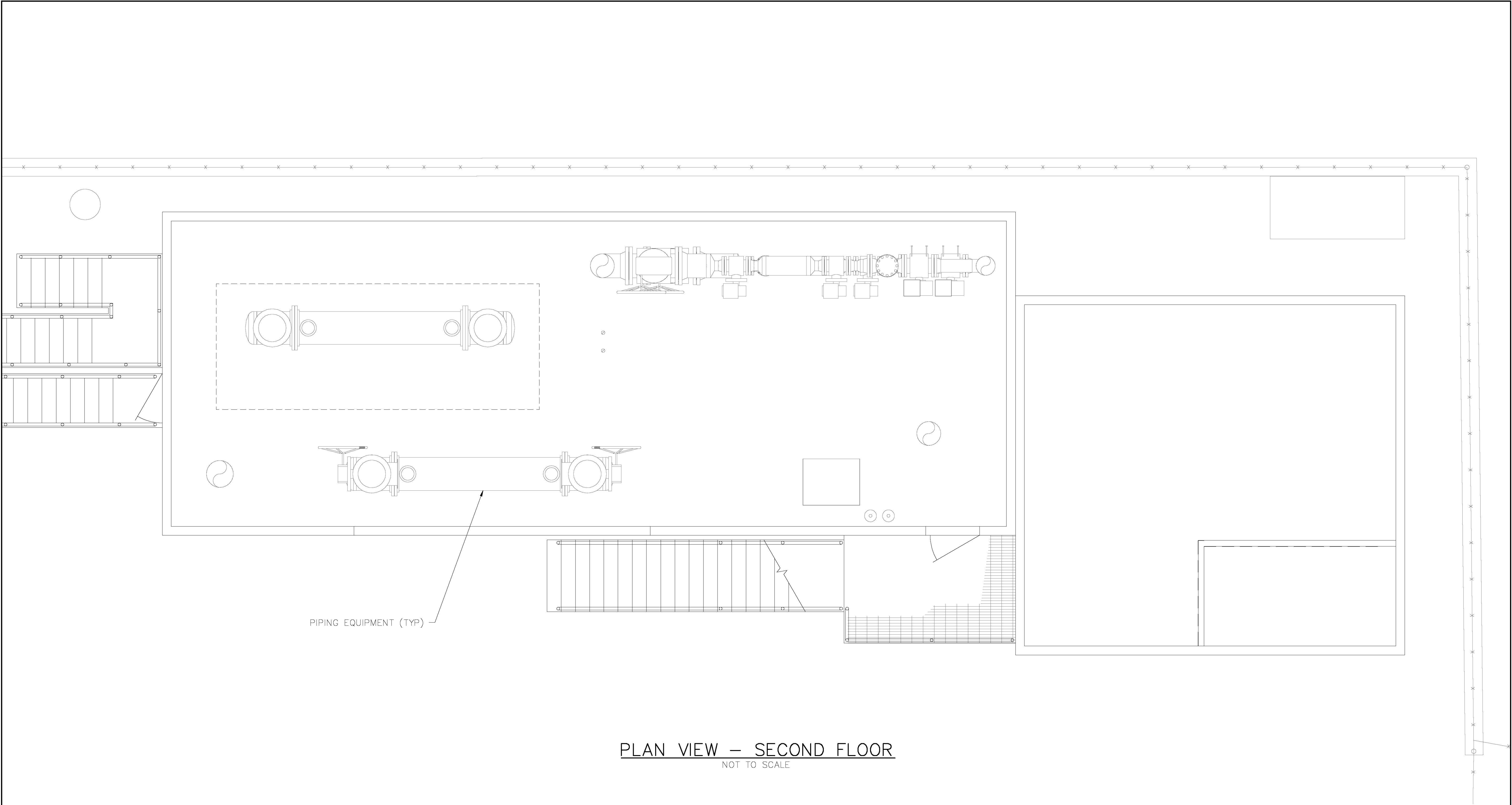




PLAN VIEW — FIRST FLOOR  
NOT TO SCALE

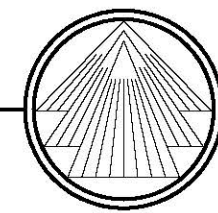
PRELIMINARY

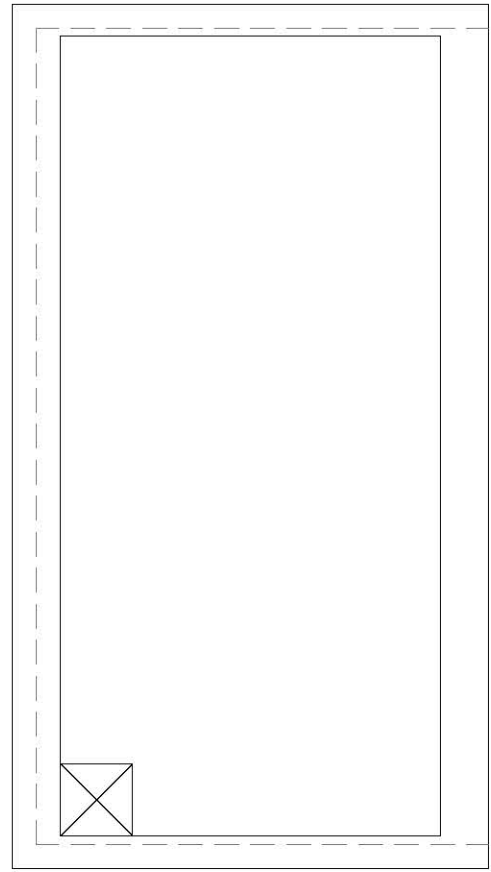
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	CLIENT						TRI-MONT	By	Date	Client	By	Date		
PROJECT	364R THIRD STREET REGULATOR STATION					F	UPDATE BUILDING	AVA	04/21/21	Drawn	AVA	Approved		
						E	UPDATE EQUIPMENT & PIPING	AVA	02/12/21	Checked		Approved		
						D	INCORPORATE COMMENTS	AVA	01/29/21	Approved		Approved		
						C	INCORPORATE COMMENTS	AVA	01/25/21					
						B	INCORPORATE COMMENTS	AVA	01/13/21					
						A	ISSUED FOR REVIEW – 25%	AVA	11/23/20					
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						REVISIONS				N.T.S.	D-181-02-GTS-M02		F	



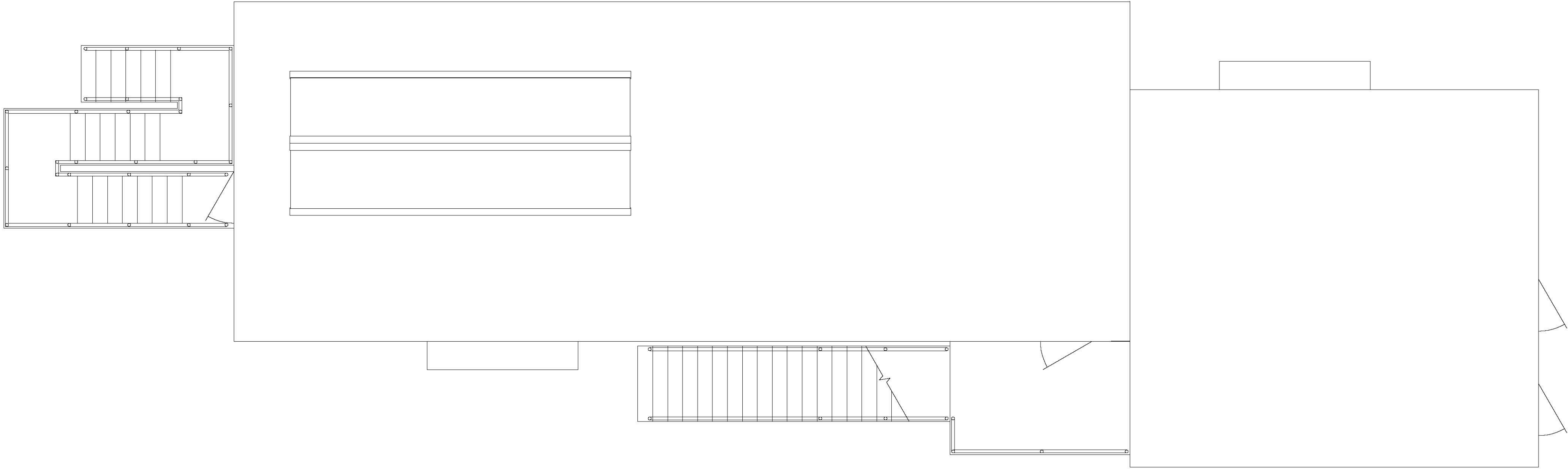
PLAN VIEW - SECOND FLOOR  
NOT TO SCALE

PRELIMINARY

 <div>TRI-MONT Engineering Co. Plymouth, MA</div>							Title SECOND FLOOR							
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PROJECT 364R THIRD STREET REGULATOR STATION		E	UPDATE EQUIPMENT & PIPING	AVA	02/12/21		Drawn		AVA		Approved			
		D	INCORPORATE COMMENTS	AVA	01/29/21		Checked				Approved			
		C	INCORPORATE COMMENTS	AVA	01/25/21		Approved				Approved			
		B	INCORPORATE COMMENTS	AVA	01/13/21									
		A	ISSUED FOR REVIEW – 25%	AVA	11/23/20									
		No.	Description	By	Date	Appd	Scale: N.T.S.		Job No. D-181-02-GTS-M03		Drawing No. F		Rev. No.	
		REVISIONS												

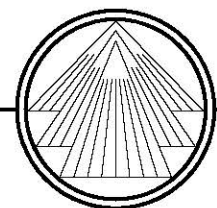


PLAN VIEW – PIT W/ SUMP  
NOT TO SCALE



PLAN VIEW – ROOF LEVEL  
NOT TO SCALE

PRELIMINARY

	TRI-MONT Engineering Co. Plymouth, MA											Title ROOF & PIT SUMP FLOOR					
	CLIENT											TRI-MONT By Date Client By Date					
PROJECT 364R THIRD STREET REGULATOR STATION											TRI-MONT By Date Client By Date						
					B UPDATE BUILDING A ISSUED FOR REVIEW – 25%						AVA 04/21/21 AVA 02/08/21						
					No. Description By Date Appd						Scale: N.T.S. Job No. D-181-02-GTS-M03B Drawing No. Rev. No. B						
					REVISIONS												



181-02-Plot-Plan.dwg 03/09/21

FOR REGISTRY USE ONLY

I CERTIFY THAT THIS PLAN WAS MADE IN CONFORMANCE WITH THE RULES AND REGULATIONS OF THE REGISTERS OF DEEDS OF THE COMMONWEALTH OF MASSACHUSETTS.

LLOYD JEFF LOWELL, P.L.S.

I HEREBY CERTIFY THAT THE PROPERTY LINES SHOWN ON THIS PLAN ARE THE LINES DIVIDING EXISTING OWNERSHIPS, AND THE LINES OF THE STREETS AND WAYS SHOWN ARE THOSE OF PUBLIC OR PRIVATE STREETS OR WAYS ALREADY ESTABLISHED, AND THAT NO NEW LINES FOR DIVISION OF EXISTING OWNERSHIP OR FOR NEW WAYS ARE SHOWN.

LLOYD JEFF LOWELL, P.L.S.

EX. FENCE	
EX. BUILDING	
GRANITE CURB	
EDGE OF PAVEMENT	
EX. GAS	
EX. WATER	
EX. STORM DRAIN	
EX. SEWER	
EX. STEAM LINE	
EX. CONDENSATE LINE	
TELEPHONE	
OVERHEAD WIRE	
CABLE TELEVISION	
ELECTRIC LINE	
LIGHT POLE	
UTILITY POLE	
CATCH BASIN	
UTILITY MANHOLES	
GAS/WATER GATE	
TREE	
BOREHOLE	
NOW OR FORMERLY MANHOLE	

LEGEND

	GAS	GAS
	W	W
	SD	SD
	S	S
	ST	ST
	CND	CND
	T	T
	OHW	OHW
	CATV	CATV
	E	E
	BH	BH
	N/F	MH

NOTES:

- LOCATIONS OF PHYSICAL FEATURES SHOWN HEREON WERE DERIVED VIA ON THE GROUND SURVEY BY TRI-MONT ENGINEERING CO.
- LOCATION OF UNDERGROUND UTILITIES IS APPROXIMATE ONLY AND IS BASED ON THE LOCATION OF SURFACE FEATURES AND RECORD PLANS. ADDITIONAL UTILITIES MAY EXIST WHICH ARE NOT SHOWN ON THIS PLAN. ALL EXISTING UTILITIES SHALL BE VERIFIED BY THE CONTRACTOR FOR SERVICE, SIZE, INVERT ELEVATIONS, LOCATIONS, ETC. CONTRACTOR MUST NOTIFY DIG SAFE (811 OR 1-888-344-7233) AT LEAST 72 HOURS PRIOR TO ANY CONSTRUCTION.
- THE COORDINATE SYSTEM IS THE MASSACHUSETTS STATE PLANE COORDINATE SYSTEM MAINLAND ZONE DATUM NAD\_83.

REFERENCES:

- PLAN NO. 491 OF 2008 ENTITLED "MIRANT KENDALL PLANT, EASEMENT PLAN OF LAND IN CAMBRIDGE, MASSACHUSETTS, MIDDLESEX COUNTY", SCALE 1"=30', DATED APRIL 1, 2008, AND PREPARED FOR MIGRANT AMERICAS ENERGY MARKETING, LP BY GUNTHER ENGINEERING.
- PLAN NO. 371 OF 2002 ENTITLED "KENDALL SQUARE, ACTIVITY USE LIMITATION, PLAN OF LAND IN CAMBRIDGE, MASSACHUSETTS", SCALE 1"=100'; DATED OCTOBER 22, 2001; PREPARED FOR LYME PROPERTIES, L.L.C. BY GUNTHER ENGINEERING, INC.

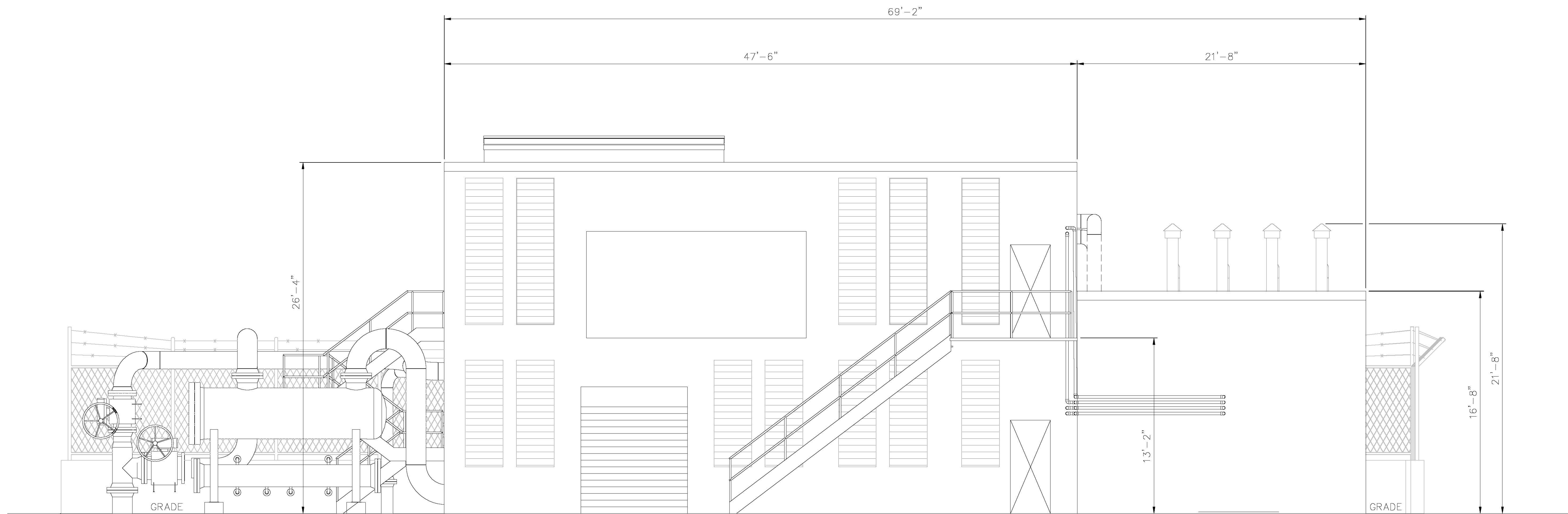
PRELIMINARY

	TRI-MONT Engineering Co. Plymouth, MA
CLIENT	
PROJECT	364R THIRD STREET REGULATOR STATION

B	ISSUED FOR REVIEW	FAC	01/29/21	DJ
A	ISSUED FOR REVIEW	FAC	12/01/20	DJ
No.	Description	By	Date	Appd.
	REVISIONS			

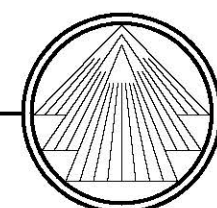
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TRI-MONT	By	Date	Client	By	Date
Drawn	FAC	12/01/2020	Approved		
Checked	DJ	12/01/2020	Approved		
Approved	KHS	12/01/2020	Approved		
Scale:	AS NOTED	Job No.	Drawing No.	Rev. No.	
		D-181-02-C11		B	

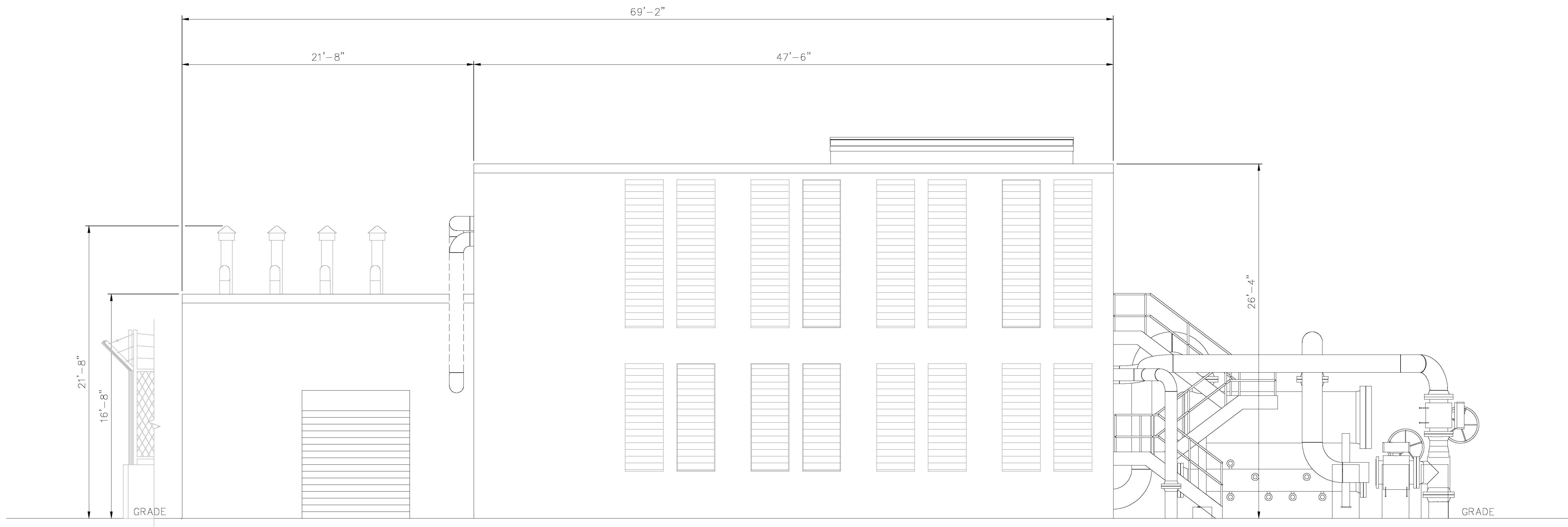




ELEVATION VIEW — EAST SIDE  
NOT TO SCALE


PRELIMINARY

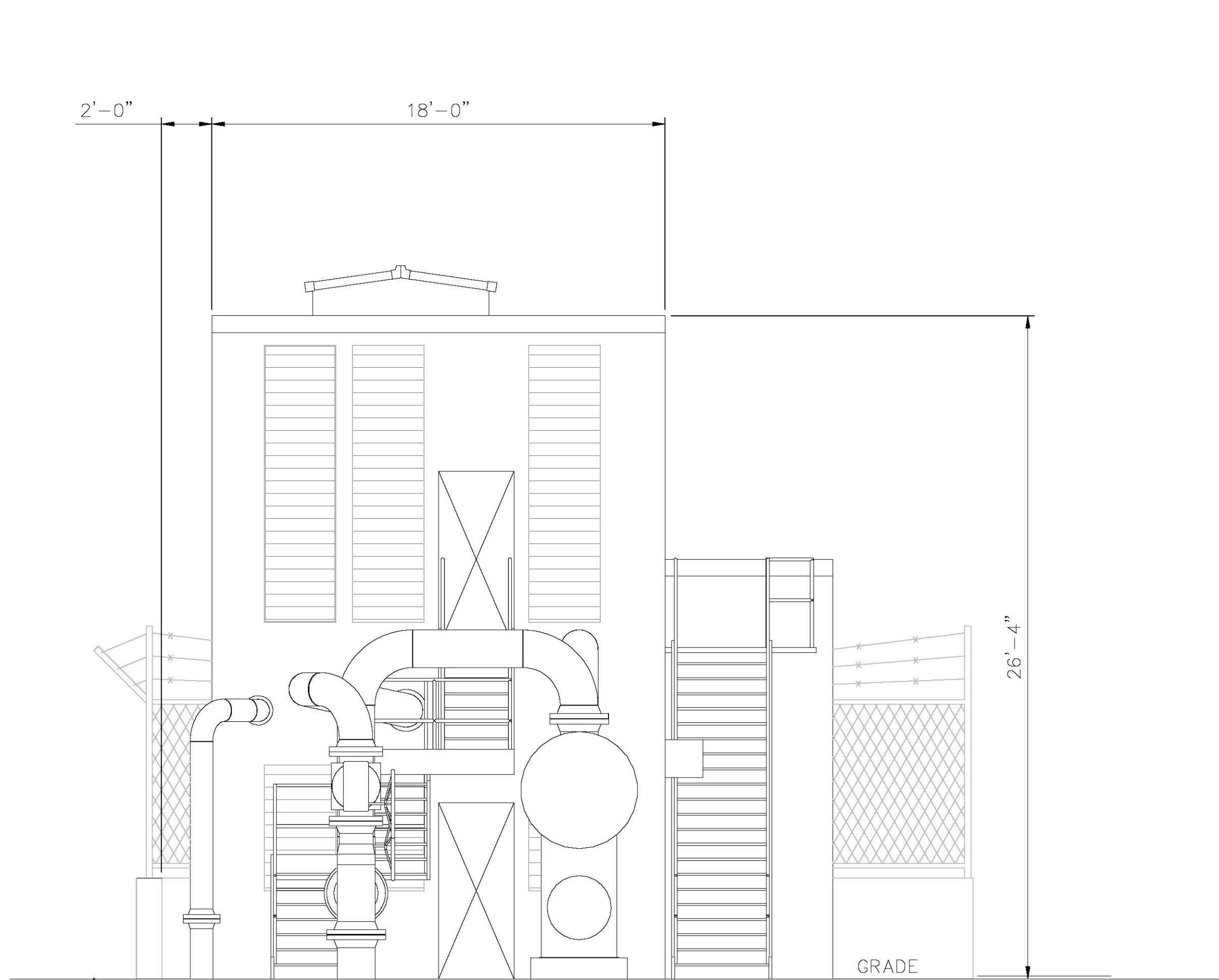
	TRI-MONT Engineering Co. Plymouth, MA					Title BUILDING ELEVATION VIEW EAST SIDE						
	CLIENT						TRI-MONT	By	Date	Client	By	Date
PROJECT	364R THIRD STREET REGULATOR STATION	F	UPDATE BUILDING	AVA	04/21/21		Drawn	AVA		Approved		
		E	UPDATE EQUIPMENT & PIPING	AVA	02/12/21		Checked			Approved		
		D	INCORPORATE COMMENTS	AVA	01/29/21		Approved			Approved		
		C	INCORPORATE COMMENTS	AVA	01/25/21							
		B	INCORPORATE COMMENTS	AVA	01/13/21							
		A	ISSUED FOR REVIEW – 25%	AVA	11/23/20		Scale:		Job No.		Drawing No.	
	No.	Description	By	Date	Appd	N.T.S.		D-181-02-GTS-M04		Rev. No.		
		REVISIONS								F		



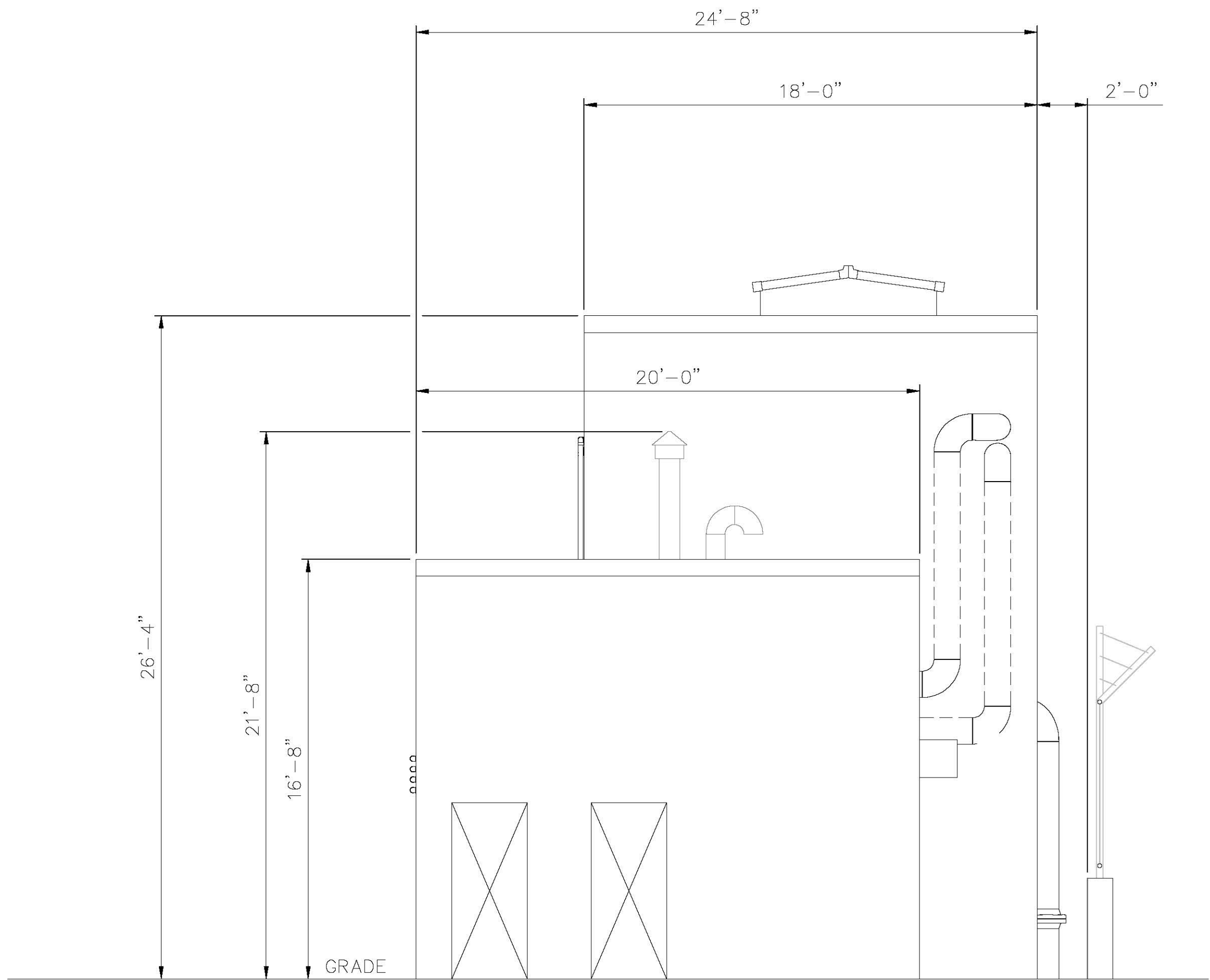
ELEVATION VIEW — WEST SIDE  
NOT TO SCALE

PRELIMINARY

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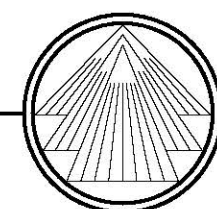


ELEVATION VIEW — SOUTH SIDE  
NOT TO SCALE



ELEVATION VIEW — NORTH SIDE  
NOT TO SCALE

PRELIMINARY

	TRI-MONT Engineering Co. Plymouth, MA					Title BUILDING ELEVATION VIEWS NORTH & SOUTH SIDE									
	CLIENT					TRI-MONT By Date Client By Date Drawn AVA Approved Checked Approved Approved Approved									
PROJECT	364R THIRD STREET REGULATOR STATION					C	UPDATE BUILDING	AVA	04/21/21	Scale: N.T.S.		Job No. D-181-02-GTS-M04B	Drawing No.	Rev. No. C	
						B	UPDATE EQUIPMENT & PIPING	AVA	02/12/21						
						A	INCORPORATE COMMENTS	AVA	01/29/21						
						No.	Description	By	Date	Appd					
							REVISIONS								





1. Looking Northwest to New Gas Regulator Equipment Footprint.



2. Looking East from Gas Main Footprint.

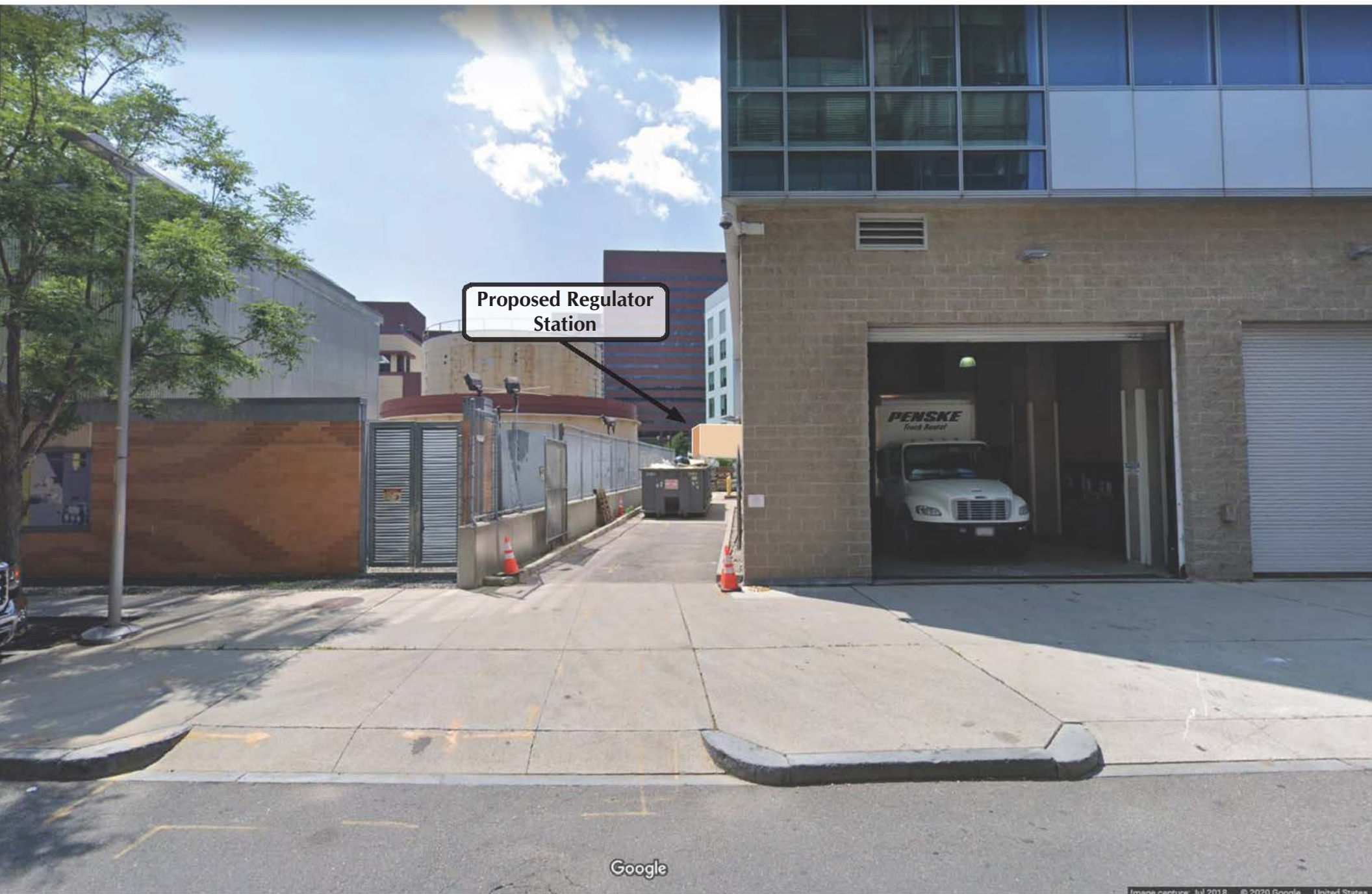


3. Looking West Toward Gas Main Footprint.



4. Looking South Toward Broad Canal.





**Viewpoint 1: Eye-level View from Athenaeum Street  
Location for Proposed Regulator Station**

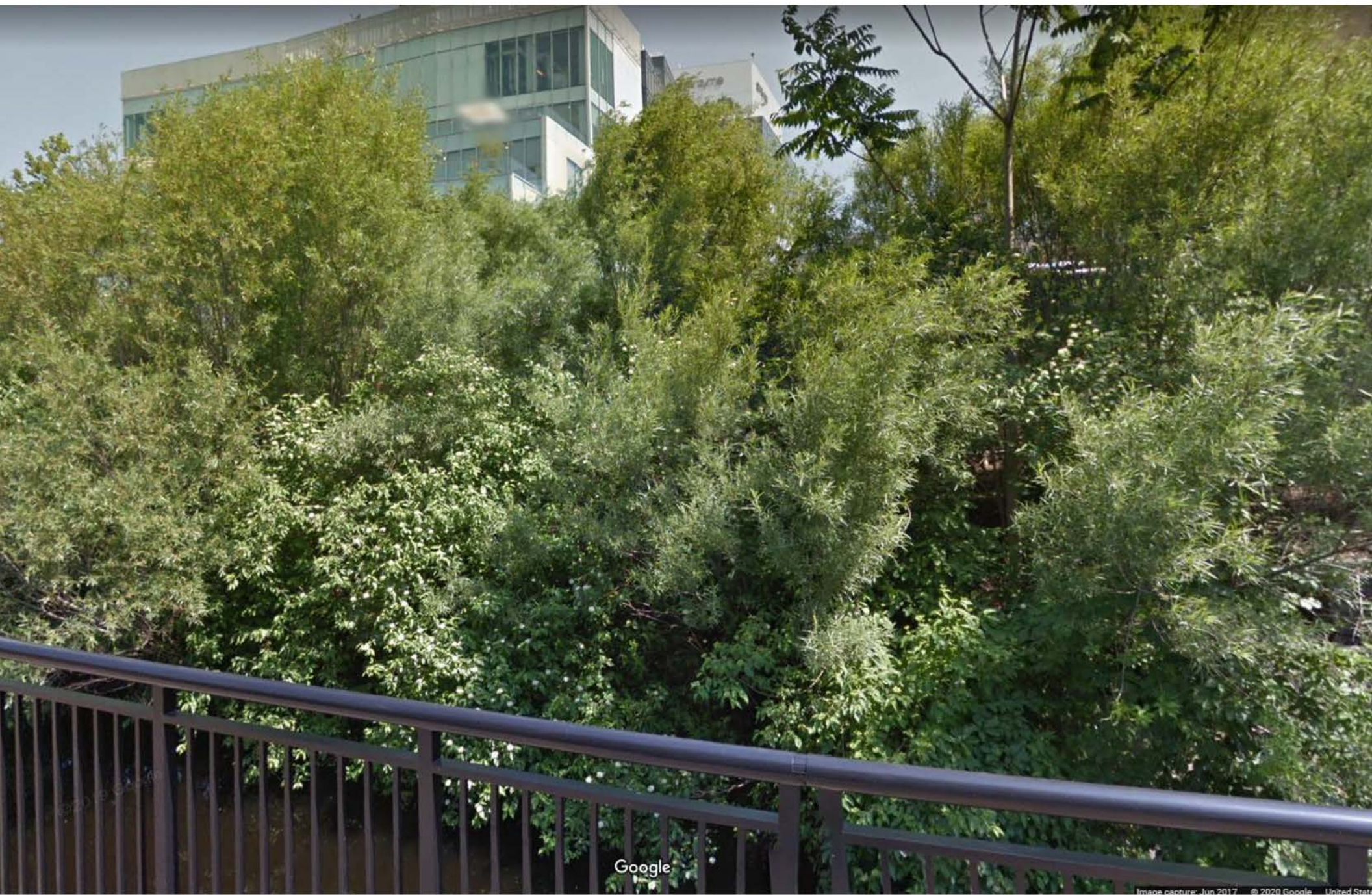




**Proposed Regulator  
Station**

**Viewpoint 2: Eye-level View from Kendall Street Extension  
Location for Proposed Regulator Station**





**Viewpoint 3: View from Broad Canal Walk  
Location for Proposed Regulator Station**



BMR-500 Kendall Street LLC  
4570 Executive Drive, Suite 400  
San Diego, California, 92121

May 26, 2021

City of Cambridge  
Board of Zoning Appeal  
831 Massachusetts Avenue  
Cambridge, MA 02139

***Re: Support for Application to Relocate Gas Regulator Station at 330 Third Street, to 364R Third Street, in Cambridge, Massachusetts***

To the Members of the Cambridge Board of Zoning Appeal:

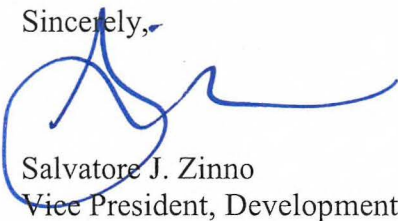
I write in support of the application of Kendall Infrastructure LLC for zoning relief in connection with its proposed relocation of the existing gas regulator station from 330 Third Street, to 364R Third Street (a/k/a 21 Athenaeum Street) (the "Project").

BMR-500 Kendall Street LLC is a direct abutter to the Project's proposed location at 364R Third Street. It is also an affiliate of Kendall Infrastructure LLC, the applicant. Notwithstanding this affiliated relationship, BMR-500 Kendall Street LLC believes it is important to write separately to support the Project.

For all of the reasons stated in the application, it is vital to the continued growth and development of Kendall Square to relocate the existing gas regulator station. The proposed location at 364R Third Street, which brings the gas regulator station to the "backyard" of 500 Kendall Street, is nonetheless the optimal location for the Project given its proximity to the other utility uses already at that location. BMR-500 Kendall Street LLC, as the abutter most impacted by the Project, has no concerns with any potential impacts of the Project's proposed new location. Having "lived" for decades with the existing gas regulator station at 330 Third Street in close proximity to 500 Kendall Street, we understand that the impacts of a gas regulator station to the properties surrounding it are negligible, and we expect nothing different for the new location of the station.

We ask that you support the Project. Thank you for your consideration.

Sincerely,



Salvatore J. Zinno  
Vice President, Development

Dennis Carlone  
City Councillor

CITY OF CAMBRIDGE  
INSPECTIONAL SERVICES

2021 JUN 22 A 10:46

To the Cambridge Board of Zoning Appeal,

I am writing to express my support for the application of Kendall Infrastructure LLC as it seeks the necessary zoning relief to relocate a longstanding gas transfer station ("GTS") from 330 Third Street to 364R Third Street in Cambridge.

The GTS at its current location has been regarded as out of step with the surrounding pedestrian and retail corridor along Third Street for many years. Its removal has long been a goal of the City, the surrounding community, and mine personally as Kendall Square has developed from an industrial center to a multifaceted neighborhood. However, the complex nature of the station's utility infrastructure has made its transfer a difficult and expensive proposition.

As the equipment at the GTS nears the end of its natural lifecycle and BioMed seeks to make use of the land currently occupied by the GTS, it is both financially and logistically feasible to move this relic of the past to a more industrial, out-of-the-way location nearby (364R Third Street aka the "Vicinity Site"). Crucial to this effort are the many years of negotiation that BioMed has engaged in with Eversource and Vicinity to make this move possible.

The confluence of factors that have made this opportunity possible are not likely to reoccur again for many years. The BZA has a unique opportunity to improve the Third Street corridor for pedestrians, retailers, and the creative community that has already begun to gravitate towards the new Canal District nearby (and which will grow exponentially upon the completion of 585 Third Street).

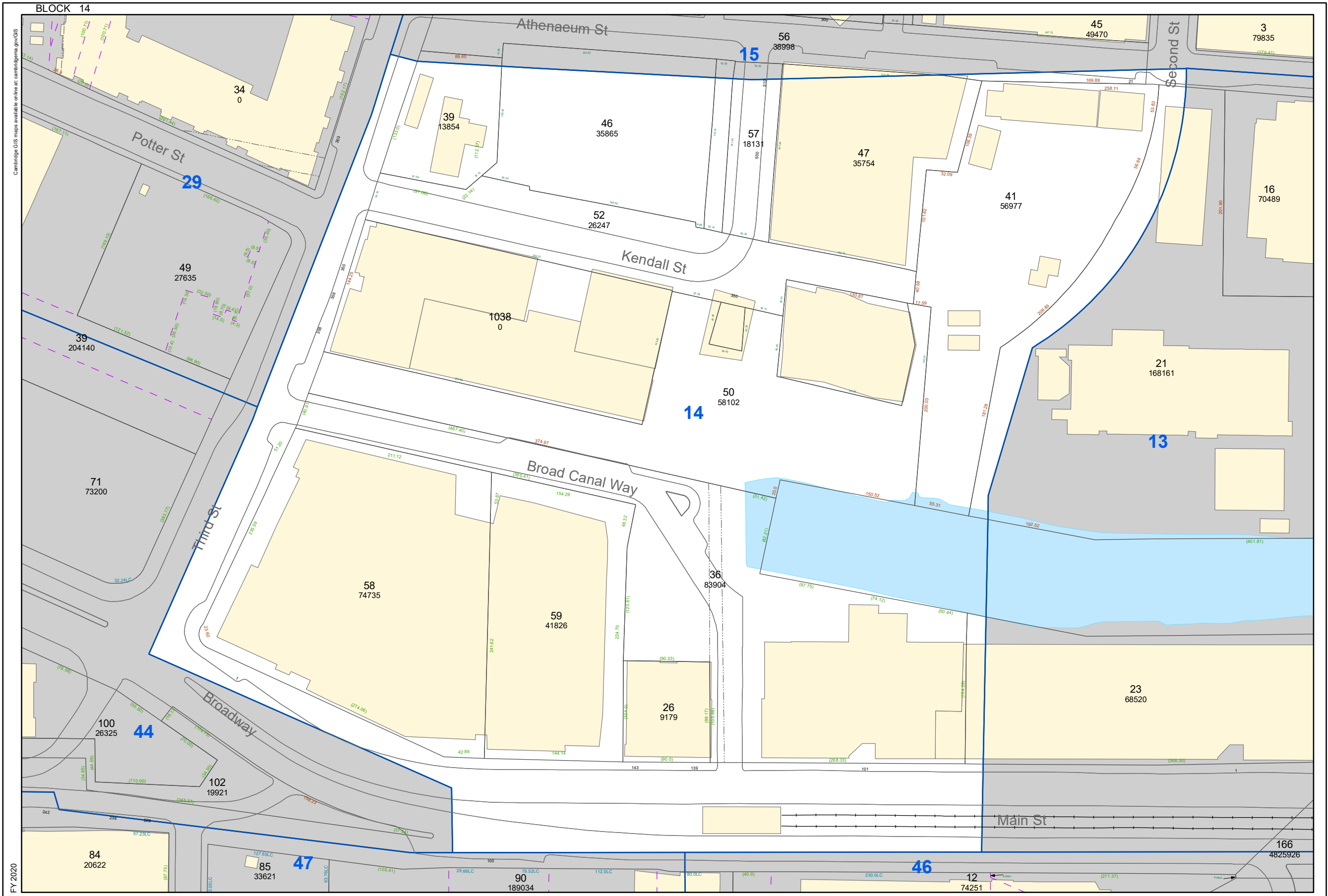
I hope the Board will consider these factors and vote to support this important project. Please feel free to contact me with any questions you may have.

Sincerely,



Dennis Carlone  
Cambridge City Councillor  
Architect/Urban Designer

[dcarlone@cambridgema.gov](mailto:dcarlone@cambridgema.gov)  
617/494.9559



FY 2020



City of Cambridge  
Assessing Department  
795 Massachusetts Ave.  
Cambridge, MA 02139

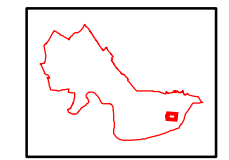
- Buildings
- Lot Line
- Block Line
- City Boundary
- Water
- Sub-Parcel Line
- Easement
- Railway

10 Lot Number  
14 Block Number  
10 Street Number  
(125.0) Deed Dimension  
100 Parcel size in Sq. Ft.  
44.0LC Land Court Dimension  
65.0 Survey Dimensions

DISCLAIMER:  
All Real Property shown on this map was compiled from existing Assessor's Tax Maps dated 1980 to 2019 and maintained by the City Assessor's Office and the Department of Public Works. Subsequent maintenance has been completed using the City of Cambridge Geographic Information System (GIS). Parcels have not been created from survey, and map is suitable for assessing purposes only.  
The City of Cambridge assumes no legal responsibility for information shown on this map.

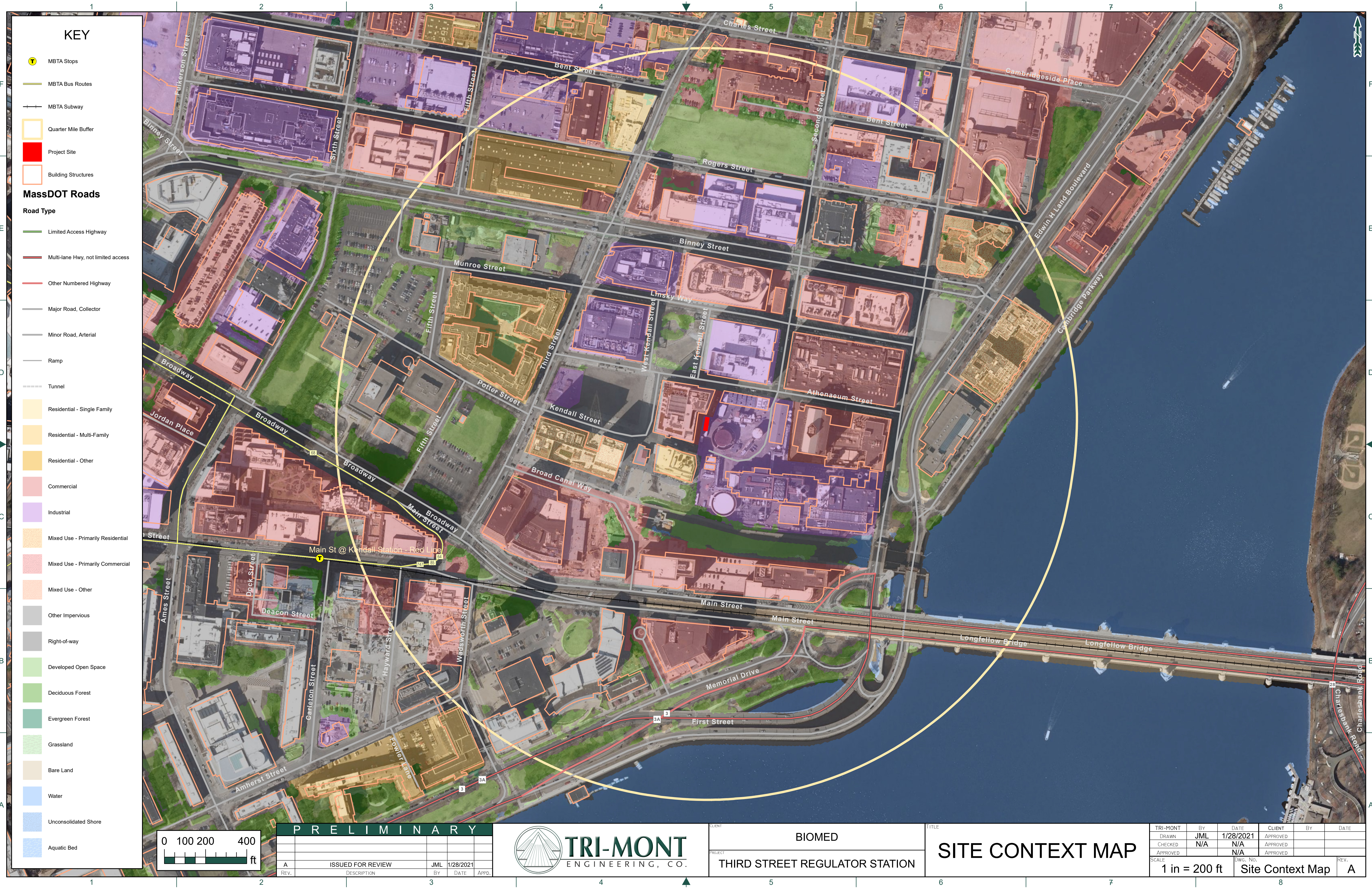


0 20 40 80 Feet  
1 inch = 100 feet



Parcel Block Map  
**14**





KEY

MBTA Stops

MBTA Bus Routes

MBTA Subway

Quarter Mile Buffer

Project Site

Building Structures

MassDOT Roads

Road Type

Limited Access Highway

Multi-lane Hwy, not limited access

Other Numbered Highway

Major Road, Collector

Minor Road, Arterial

Ramp

Tunnel

Residential - Single Family

Residential - Multi-Family

Residential - Other

Commercial

Industrial

Mixed Use - Primarily Residential

Mixed Use - Primarily Commercial

Mixed Use - Other

Other Impervious

Right-of-way

Developed Open Space

Deciduous Forest

Evergreen Forest

Grassland

Bare Land

Water

Unconsolidated Shore

Aquatic Bed

PRELIMINARY				
REV.	DESCRIPTION	BY	DATE	APPD.
A	ISSUED FOR REVIEW	JML	1/28/2021	

CLIENT	BIOMED
PROJECT	THIRD STREET REGULATOR STATION

# SITE CONTEXT MAP

TRI-MONT	BY	DATE	CLIENT	BY	DATE
DRAWN	JML	1/28/2021	APPROVED		
CHECKED	N/A	N/A	APPROVED		
APPROVED		N/A	APPROVED		
SCALE		DWG. NO.		REV.	
1 in = 200 ft		Site Context Map		A	