BZA APPLICATION FORM

GENERAL INFORMATION

	GENERAL INFORM	IATION	CAMEICE	9
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ecial Permit: X	Variance: X	Appe	eal:	ASSACHICL
e undersigned hereby petit ecial Permit: X TITIONER: Kendall Infrastructure L	LC, as agent for NSTAR	R Gas Company		.05/
ritioner's address: 101 Main				*
CATION OF PROPERTY: 364R Thin	rd Street (a/k/a 21 Ather	naeum Street)		======================================
PE OF OCCUPANCY: Utilities			O-3A / PUD-3	
ASON FOR PETITION:				
Additions		X	New Structure	
X Change in Use/O	ccupancy		Parking	
Conversion to A	ddi'l Dwelling Un	nit's	Sign	
Dormer		4-5	Subdivision	
Other:				
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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 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 applicat	ion.
The record title of this property is in the	name of Kendall Green Energy LLC
*Pursuant to a deed of duly recorded in the	
County Registry of Deeds at Book 29606	, Page; or
Middlesex Registry District of Land Court,	Certificate No
Book Page	In CSIBION
	RE BY DAND OWNER OR ZED TRUSTEE, OFFICER OR AGENT* present petitioner may be requested.
Commonwealth of Massachusetts, County of	
The above-name John 6,55000 this 12th of April, 2021, and made oat	
My commission expires	Notary ARY PUBLIC Ith of Massociusette umissical arising Seal). 722, 2027

• 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

Kendall Infrastructure LLC, PRESENT USE/OCCUPANCY: Utility Generation Facility APPLICANT: as agent for NSTAR Gas Company ZONE: O-3A / PUD-3 364R Third Street (a/k/a 21 Athenaeum Street) LOCATION: (858) 663-9372 Adding Gas Regulator Station Use PHONE: REQUESTED USE/OCCUPANCY: EXISTING REQUESTED **ORDINANCE** CONDITIONS CONDITIONS REQUIREMENTS1 18,660 SF 121,800 SF 16,300 SF TOTAL GROSS FLOOR AREA: (max.) 56,977 SF 5,000 SF LOT AREA: (min.) RATIO OF GROSS FLOOR AREA 0.33 0.29 2.0 TO LOT AREA: (max.) N/A N/A N/A LOT AREA FOR EACH DWELLING UNIT: (min.) 57 FT 50 FT SIZE OF LOT: WIDTH (min.) DEPTH 6 FT 4.2 FT No change Setbacks in FRONT (min.) Feet: 6 FT No change 27.6 FT REAR (min.) 17 FT 2.2 FT LEFT SIDE 2 FT (min.) 0 FT No change 17 FT RIGHT SIDE (min.) 28 FT 90 FT N/A SIZE OF BLDG .: HEIGHT (max.)LENGTH WIDTH RATIO OF USABLE OPEN SPACE TO LOT AREA: 3) 10% No change 0% (min.) N/A N/A No change NO. OF DWELLING UNITS: (max.) N/A No change N/A NO. OF PARKING SPACES: (min./max)

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.

No change

No change

N/A

None

(min.)

(min.)

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.

N/A

N/A

NO. OF LOADING AREAS:

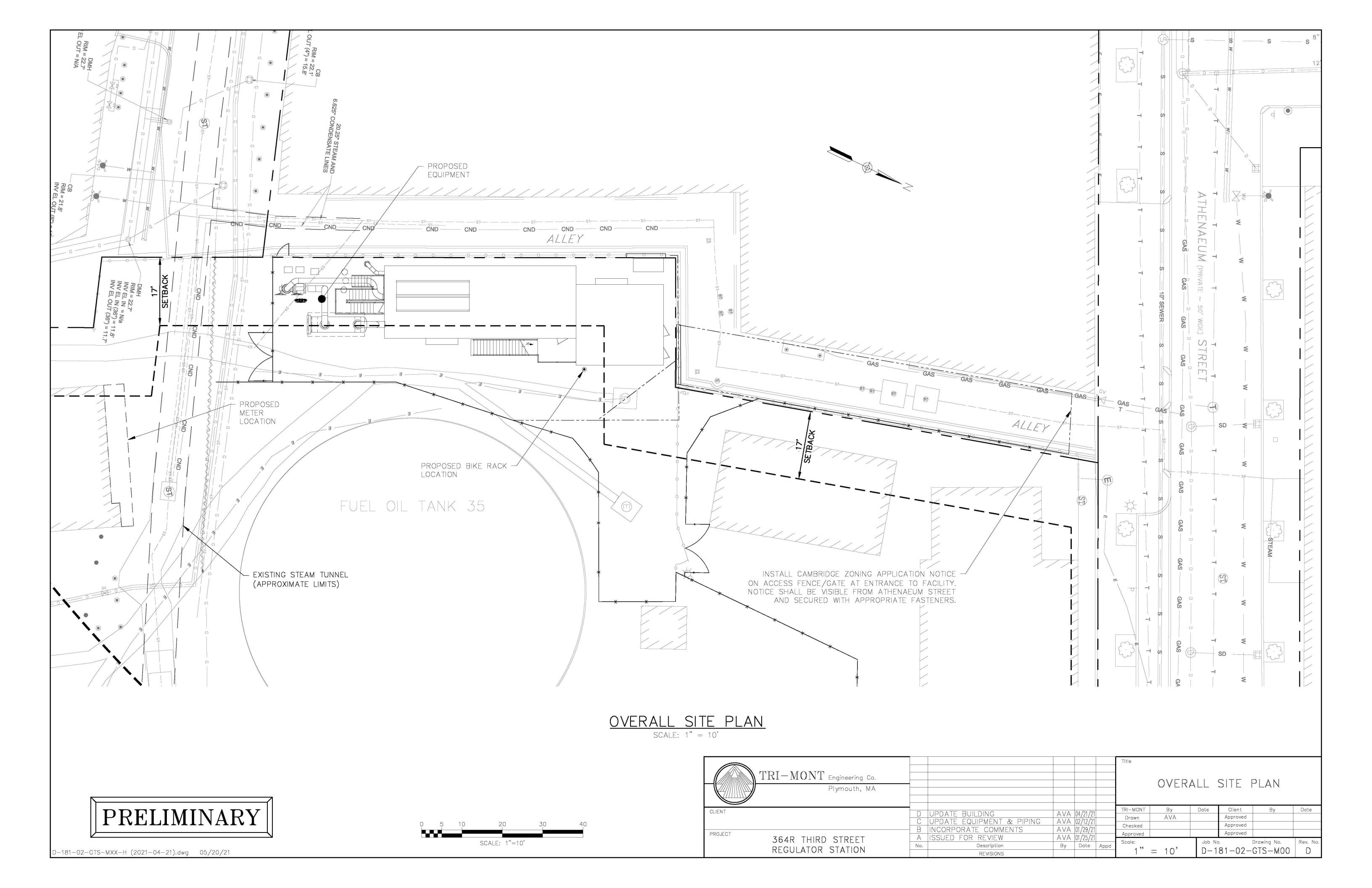
ON SAME LOT:

DISTANCE TO NEAREST BLDG.

^{1.} SEE CAMBRIDGE ZONING ORDINANCE ARTICLE 5.000, SECTION 5.30 (DISTRICT OF DIMENSIONAL REGULATIONS).

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'.



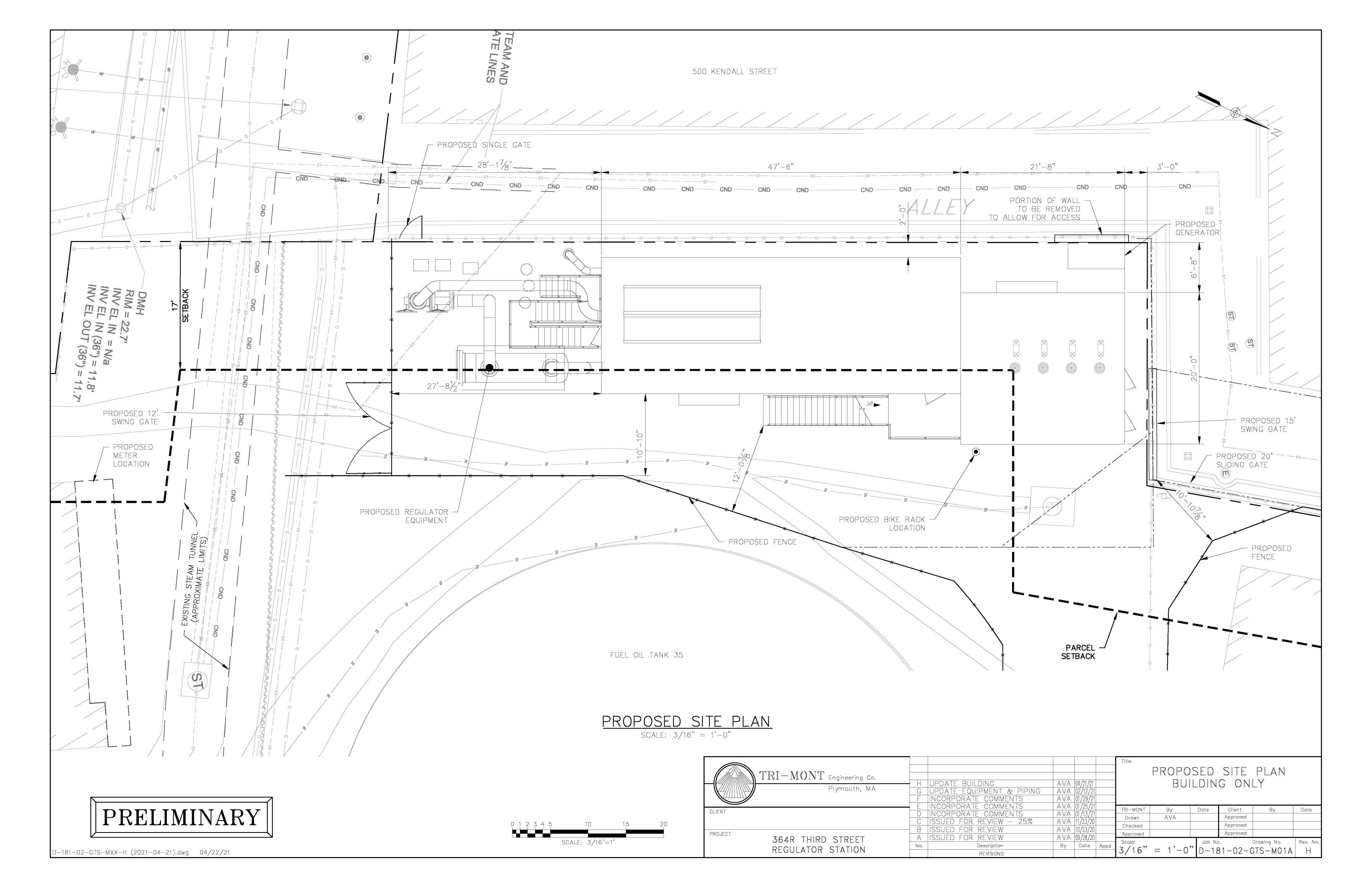


EXHIBIT A

CERTIFICATES OF AMENDMENT OF OWNER

[See Attached]

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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
- The date its Application for Registration was filed with the Massachusetts Secretary of the Commonwealth is: October 15, 1998
- 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.

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Nutter McClennen 155 Seaport Blub. Boston MA OZZIO

Bk: 69429 Pg: 124

02/10/2014 13:23 16174280928

CT

PAGE 83/84

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

NRG KENDALL LLC By: KENDALL GREEN ENERGY

HOLDINGS LLC, its sole member

Name: Robert Arendell
Title: Authorized Person

Bk: 69429 Pg: 125

PAGE 84/84

02/10/2014 13:23 16174280928

CT

Delaware

PAGE .

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 varify this certificate cell

AUTHENTY CATION: 1121511

DATE: 02-10-14

Bk: 69429 Pg: 126

MA SOC Filing Number: 201467374310 Date: 2/10/2014 1:24:00 PM

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 TRUE COPY ATTEST

WILLIAM FRANCIS GALVIN

DATE 5-15: TOLERK DA

WILLIAM FRANCIS GALVIN

Secretary of the Commonwealth



Bk: 63242 Pg: 45 Doc: CERT Page: 1 of 1 02/03/2014 10:44 AM

Delaware

PAGE 1

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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

Jeffrey W. Bullock, Secretary of State

AUTHENTYCATION: 0988004

DATE: 12-17-13

PLEASE RETURN TO: FIDELITY NATIONAL TITLE INSURANCE COMPANY 133 FEDERAL STATET, 12TH FLOOR BOSTON, MA 02110 13-03-00 ETC. Bk: 60402 Pg: 296

of pages



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. delewere. gov/suthwar. shtml

AUTHERIT CATION: 8399039

DATE: 12-03-10

Return to:
Foky Hoag LLP

=/o Jacob Polatin Esg.
155 Seaport Blvd.

Baston, MA 02210

Bk: 60402 Pg: 297

12/03/2010

12:02

SKARDEL LLC + 913027393673

NO. 053 P02

State of Delevare
Secretary of State
Division of Comparations
Delivered 12:11 Ft 12/03/2010
FILED 12:11 Pt 2/03/2010
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

- 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:

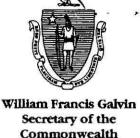
"1. The name of the limited liability company is GenOn Kendall, LLC."

IN WITNESS WHEREOF, the underzigned authorized person has executed this Certificate of Amendment this 3rd day of December, 2010.

MIRANT KENDALL, LLC

Name: Allison Cunning

Title: Authorized Person



· The Commonwealth of Massachusetts

Secretary of the Commonwealth

State House, Boston, Massachusetts 02133

May 28, 2003



Document: 00000530 Page: 1 of 3

Recorded: 06/23/2003

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

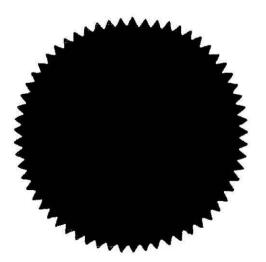
MIRANT KENDALL, LLC

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.

Min Travino Galicin

Secretary of the Commonwealth



The Commonwealth of Massachusetts William Francis Galvin

Secretary of the Commonwealth
One Ashburton Place, Boston, Massachusetts 021081512

Telephone: (617) 727-9640

MIRANT KENDALL, LLC Summary Screen

3

Help with this form

Zip: 00000 Country: USA

Request a Certificate

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

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

State: MA

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.

Title Individual Name Address (no PO Box) First, Middle, Last, Suffix 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 purporing to affect an interest in real property **Title** Individual Name Address (no PO Box) First, Middle, Last, Suffix 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 X Resident Agent X For Profit Merger Allowed Partnership Select a type of filing from below to view this business entity filings: ALL FILINGS Annual Report Application For Registration Certificate of Amendment Certificate of Cancellation View Filings **New Search** ? © 2001 - 2003 Commonwealth of Massachusetts Help All Rights Reserved

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.

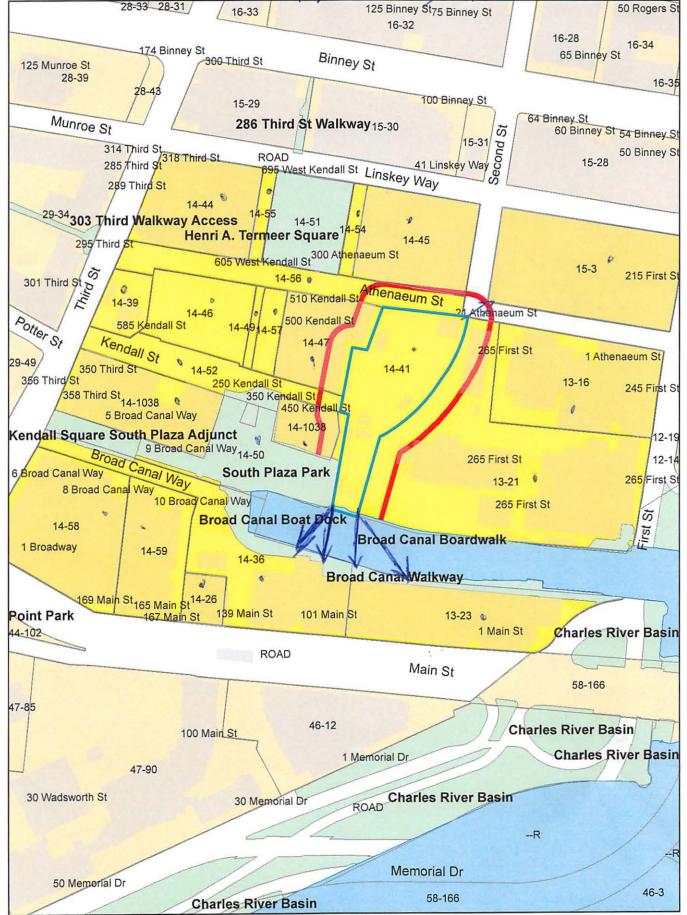
19.36: Expansion of the inventory of housing in the city is encouraged.

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.

364R Hurd St.



364R Hurd St.

14-26 MIT 139 MAIN ST FEE OWNER LLC C/O MIT INVESTMENT MGMT CO ONE BROADWAY, 9TH FL, SUITE 200 CAMBRIDGE, MA 02142

14-36-23 RREEF AMERICA REIT II CORP. PPP C/O CB RICHARD ELLIS P.O BX 4900, #207 SCOTTSDALE, AZ 85261-4900

15-3 ARE-MA REGION NO. 38 LLC, PO BOX 847 CARLSBAD, CA 92018

14-44 BMR-675 WEST 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 SQUARE, LLC.
GABLES RESIDENTIAL C/O DARCI WATSON
3399 PEACHTREE RD NE, SUITE 600
ATLANTA, GA 30326

13-16 CLPF-CAMBRIDGE SCIENCE CENTER, LLC, C/O LINCOLN PROPERTY COMPANY 245 FIRST ST CAMBRIDGE, MA 02142 14-39
COMMONWEALTH GAS CO.
C/O NSTAR GAS CO - PROPERTY TAX DEPT
P.O. BOX 270
HARTFORD, CT 06141-0270

14-41 SOUTHERN ENERGY KENDALL C/O BRIAN KRAMSCHUSTER 13155 NOEL RD., SUITE 100 DALLAS, TX 75240

13-21 SOUTHERN ENERGY KENDALL C/O BRIAN KRAMSCHUSTER 13155 NOEL RD., SUITE 100 DALLAS , TX 75240

14-46 BMR-THIRD LLC ATTN: LEGAL DEPARTMENT 17190 BERNARDO CENTER DRIVE SAN DIEGO, CA 92128

14-1038 TP/P KENDALL RETAIL, LLC. 3399 PEACHTREE ROAD 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

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

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

KENDALL INFRASTRUCTURE LLC
AS AGENT OF NSTAR GAS COMPANY
C/O SALVATORE ZINNO
101 MAIN STREET – 16TH FLOOR
CAMRIDGE, MA 02142

14-47 BMR-500 KENDALL STREET LLC, C/O RYAN LLC P.O. BOX 847 CARLSBAD, CA 92018

14-1038 WATERMARK II MEMBER, LLC 801 GRAND AVENUE DES MOINES, IA 50392

14-58
MIT ONE BROADWAY FEE OWNER , LLC
C/O MIT INVESTMENT MANG.
ONE BROADWAY, 9TH FL. SUITE 200
CAMBRIDGE, MA 02142

Pacheco, Maria

From:

Charles Hinds <chuckhinds@msn.com>

Sent:

Monday, July 12, 2021 2:19 AM

To:

Pacheco, Maria

Subject:

364R Third Street (BZA #124307)

Attachments:

ECPT Letter to BZA Regarding 364R Third Street (BZA #124307).pdf

Hi Marie,

Attached please find a letter from the East Cambridge Planning Team to the Cambridge Board of Zoning appeal regarding the relocation of the Gas Transfer Station on Third Street (BZA #124307). Can you forward to Board members in advance of the meeting on July 29, 2021. Let me now if you have any questions.

Very truly yours, Chuck Hinds President East Cambridge Planning Team

Mobile: 617-407-0574

A neighborhood organization serving East Cambridge since 1965.

East Cambridge

East Cambridge



Planning Team

A Neighborhood Organization for the Betterment of East Cambridge

July 11, 2021

Cambridge Board of Zoning Appeal 831 Mass Ave Cambridge, MA 02139

RE: 364R Third Street (BZA #124307)

Dear Chair Constantine Alexander; Vice Chair Brendan Sullivan, Members Wernick, Hickey, Green, Monteverde; and Associate Members Anderson, Hammer, Williams, Marshall:

On behalf of the East Cambridge Planning Team (ECPT), I would like to express our organization's support for the application before you (BZA #124307) to relocate the gas transfer station, commonly abbreviated to "GTS," located along Third Street.

Since 2018, BioMed Realty has been working with the East Cambridge Planning Team (ECPT) and the community-at-large on a new development at 585 Third St. The project replaces the long hoped for performing arts theatre pursued by the Constellation Charitable Foundation (CCF) from 1999 to 2018. In the spirit of the Constellation Center, the 585 Third Street project would include a substantial arts and cultural center in its proposed 500,000 s.f. office/lab building. Plans include indoor public space on the first 3 levels, including a 10,000 SF interior public garden; a two-level, 300 seat performing arts space, an exhibition and pop-up space, and retail.

To make this vision a reality, the land formerly owned by the CCF and the land occupied by the GTS need to be merged and become the footprint of the new building. BioMed purchased the CCF land, but cannot purchase and build on the GTS land without moving the Transfer Station to another location, proposed to be 364R Third Street (a/k/a 21 Athenaeum Street) in this application.

As the parking lots that used to predominate around the GTS have become offices, labs, stores, restaurants and residences, the GTS has continued to stand as a reminder of the area's industrial past. Unfortunately, its distinctive appearance comes with the stink of the natural gas it carries, the hissing sound that emanates which disturbs abutters, and the continuing danger of explosions that would affect the tens of thousands of people who now live and work in the area and flock to the amenities that were unimaginable back when the GTS was originally installed. Its function remains essential for the time being, as our society still uses fossil fuels, but there is no reason the GTS must operate from this specific site. The relocation site is a much more isolated, industrial, and appropriate place for this use. Additionally, moving it makes possible the development of 585 Third Street, which also makes moving it financially possible.

In short, the hardship comes from the fact that this use is needed, but its current location presents dangers to the public that will be greatly mitigated by moving it the short distance to the new site. The end of its equipment lifecycle and years of negotiations between owner Eversource, developer BioMed Realty, and the East Cambridge community have presented us with a rare opportunity to accomplish this important goal for the neighborhood.

East Cambridge



Planning Team

In conclusion, to enable BioMed to move the GTS and make its vision for 585 Third Street a reality, we ask the BZA to grant the petitioner a variance under Article 5, Section 5.32 for relief of minimum left side yard setback (petitioner is the only abutter) and a special permit under Article 4, Section 4.32(g)(2) of the Ordinance for use of 364R Third Street as a "gas regulator station" in the O-3A zoning district.

Very truly yours,

Charles T. Hinds President, ECPT

Pacheco, Maria

From:

Bjorn Poonen

bjornpoonen@gmail.com>

Sent:

Friday, July 16, 2021 9:57 PM

To:

Pacheco, Maria

Subject:

BZA-124307 regarding the gas regulator station at 330 Third St.

Dear Board of Zoning Appeals:

I strongly support relocating the gas regulator station from 330 Third Street to the proposed location at 364R Third Street (a/k/a 21 Athenaeum Street). Given the retail and residential and commercial development in Kendall Square, existing and planned, keeping the station at its current location would make no sense.

Sincerely,

Bjorn Poonen, homeowner at 303 Third St Unit 416, Cambridge



City of Cambridge

MASSACHUSETTS

BOARD OF ZONING APPEAL

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



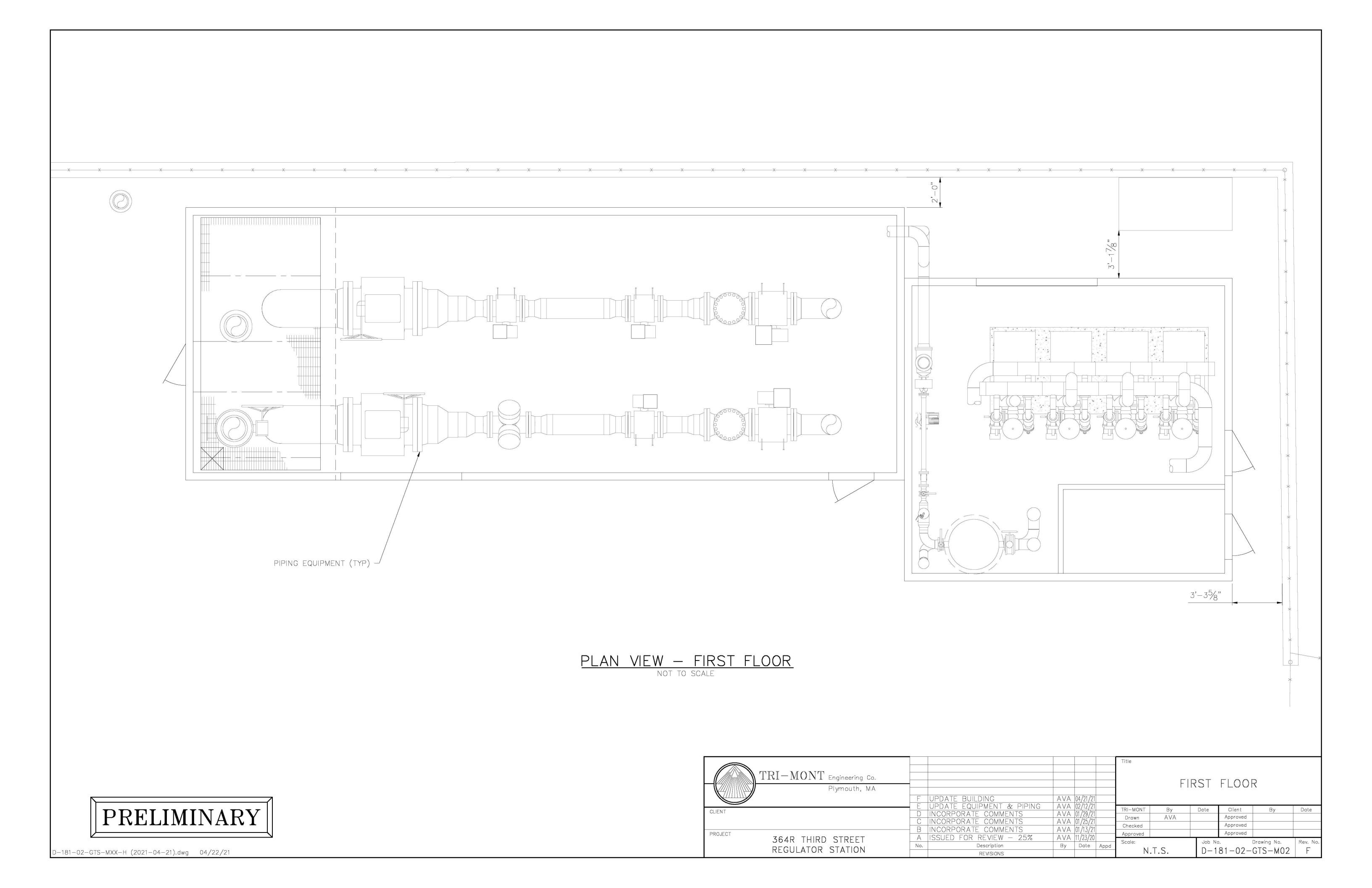
BZA

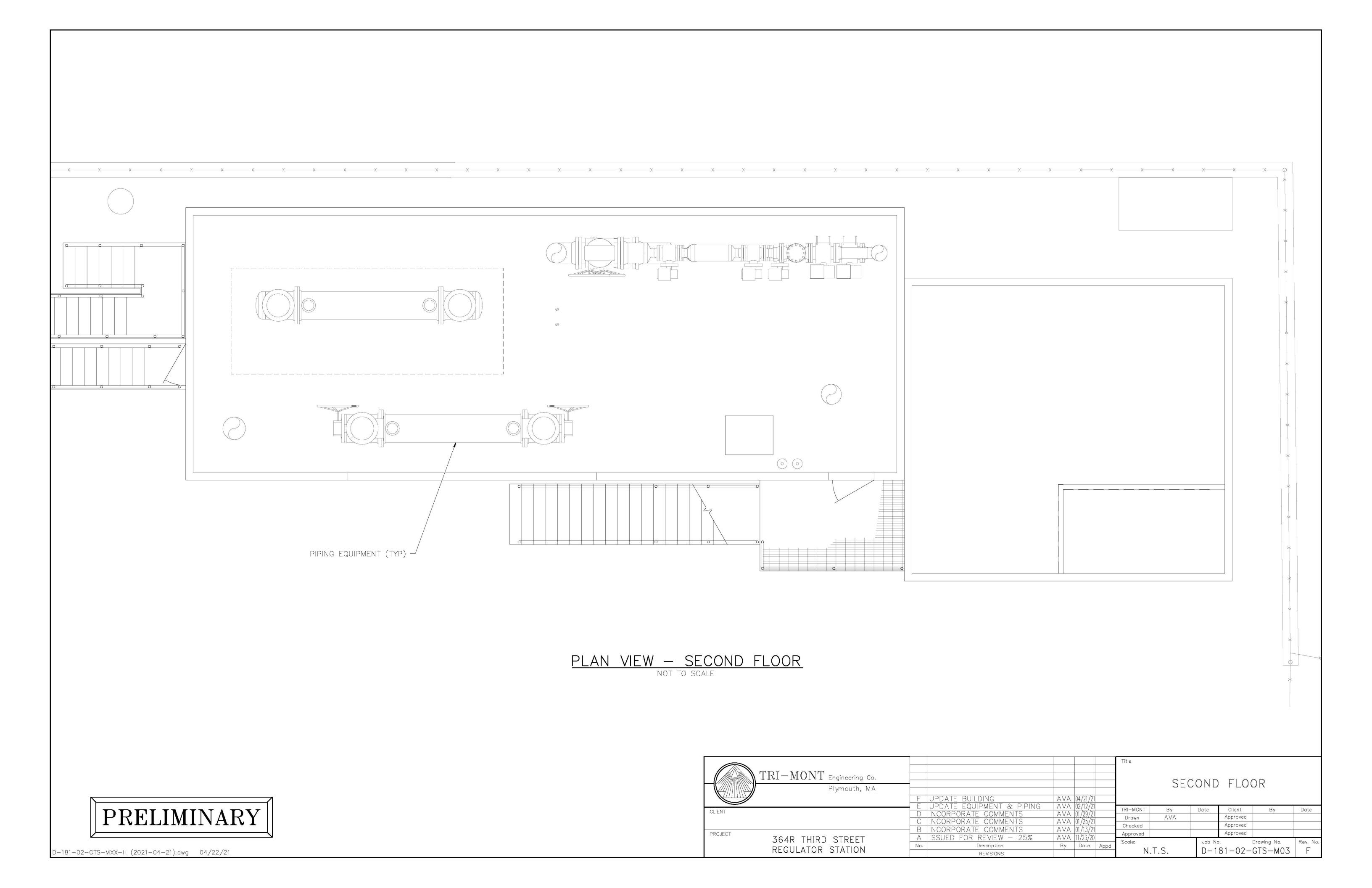
POSTING NOTICE – PICK UP SHEET

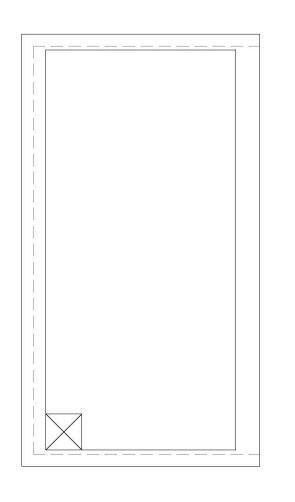
The undersigned picked up the notice board for the Board of Zoning Appeals Hearing.

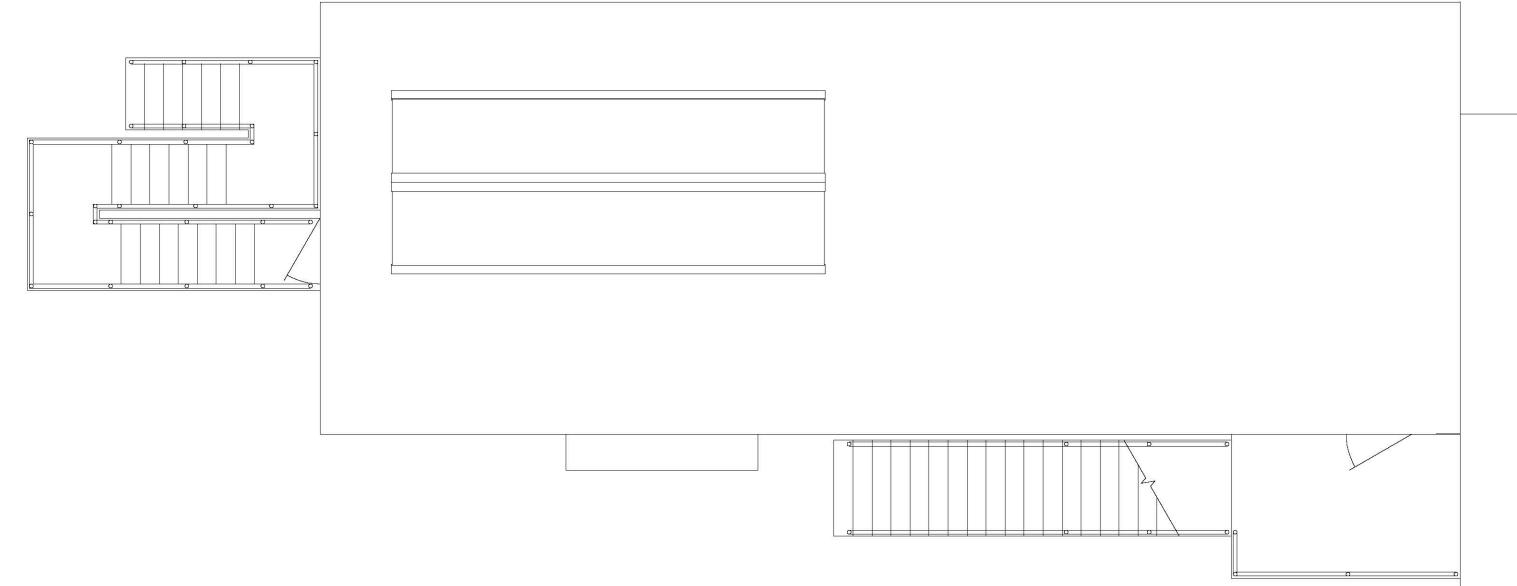
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Case No. B7A-124307		
Hearing Date: 7/29/2/	£	

Thank you, Bza Members









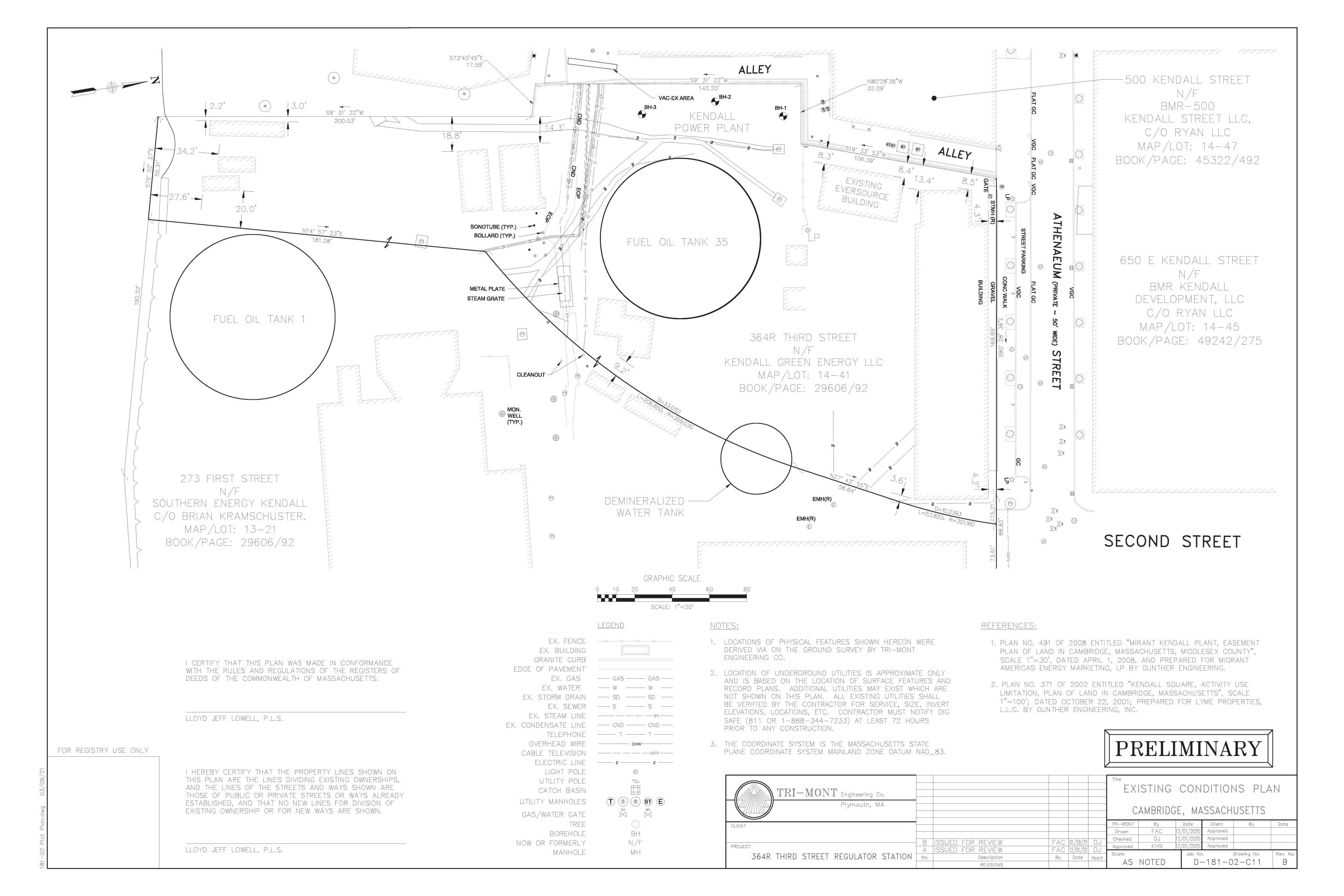
PLAN VIEW — PIT W/ SUMP

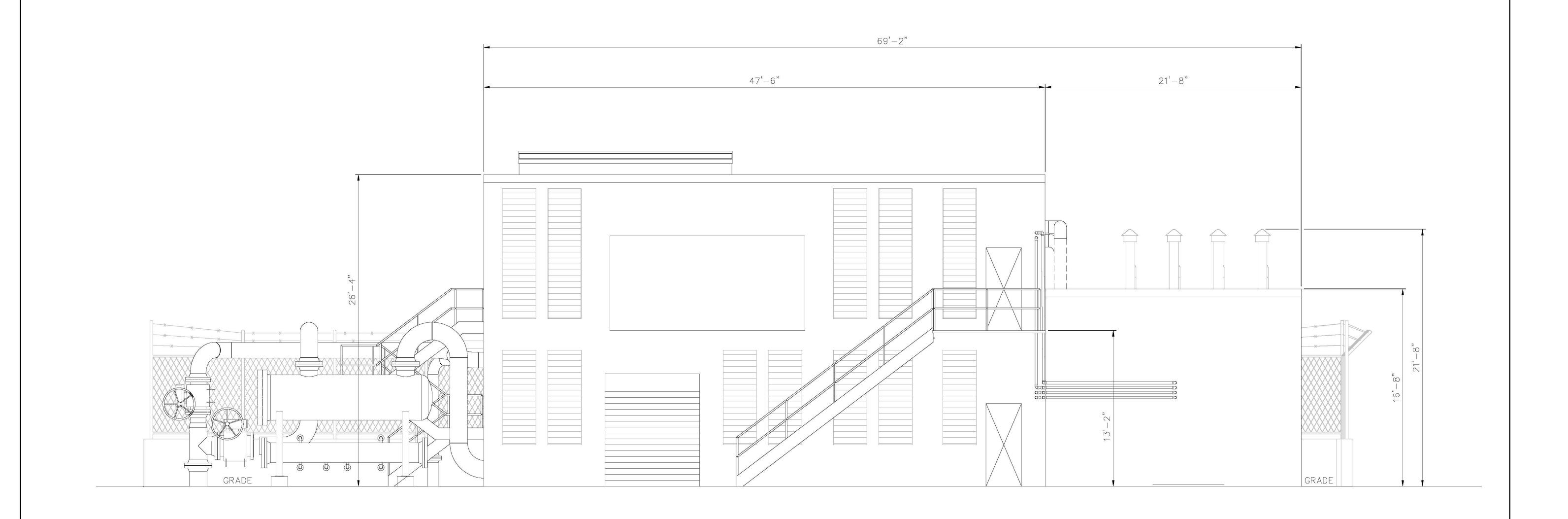
PLAN VIEW — ROOF LEVEL NOT TO SCALE

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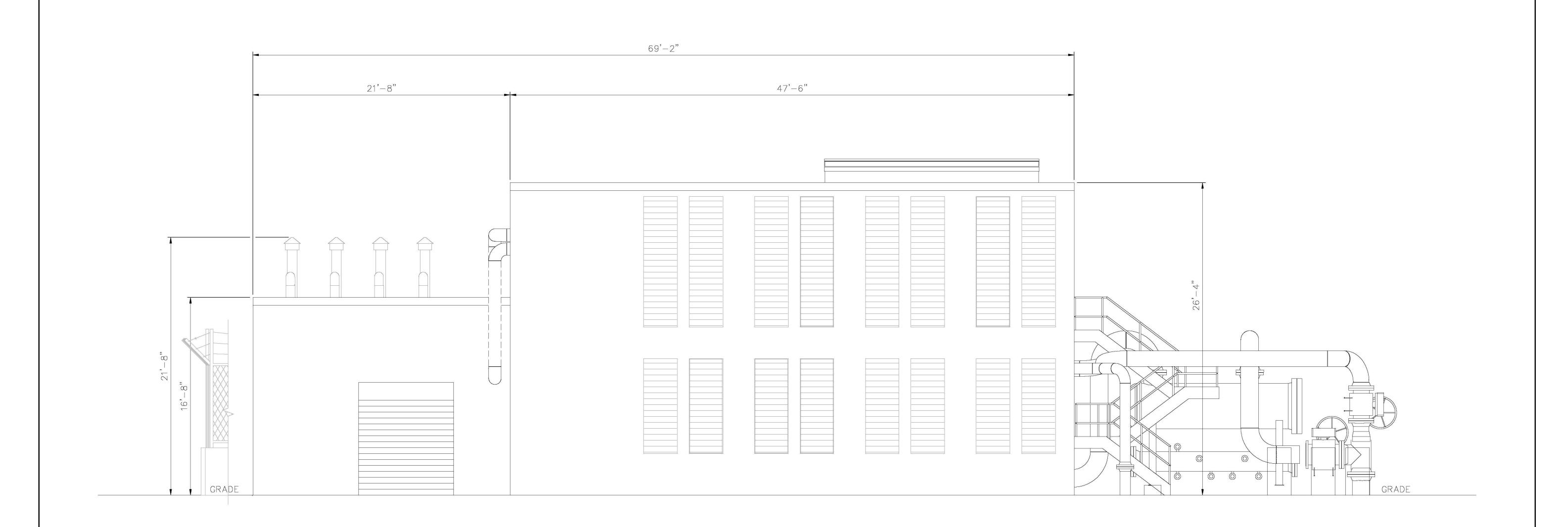




ELEVATION VIEW — EAST SIDE NOT TO SCALE



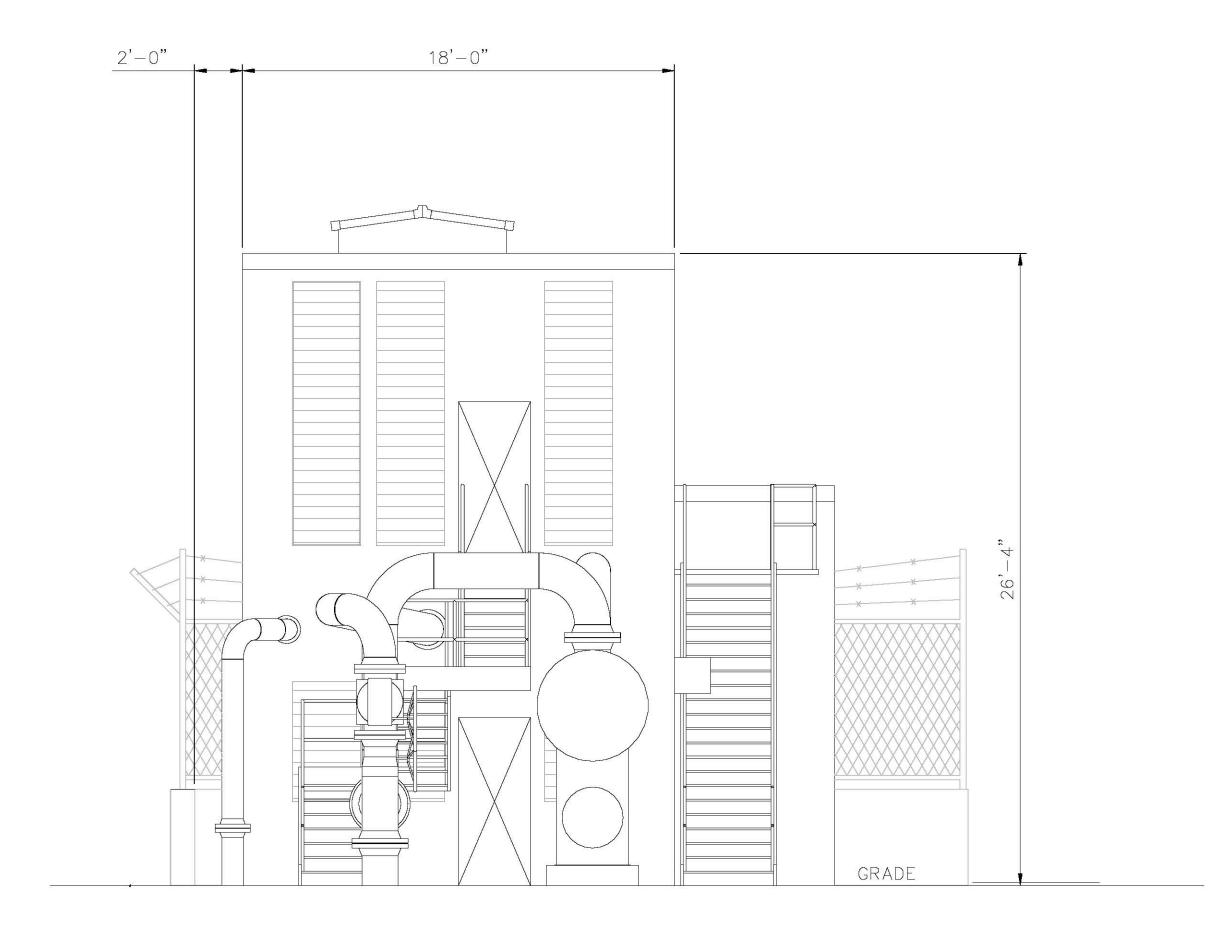
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ELEVATION VIEW — WEST SIDE NOT TO SCALE



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ELEVATION VIEW — SOUTH SIDE NOT TO SCALE ELEVATION VIEW — NORTH SIDE NOT TO SCALE



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1. Looking Northwest to New Gas Regulator Equipment Footprint.



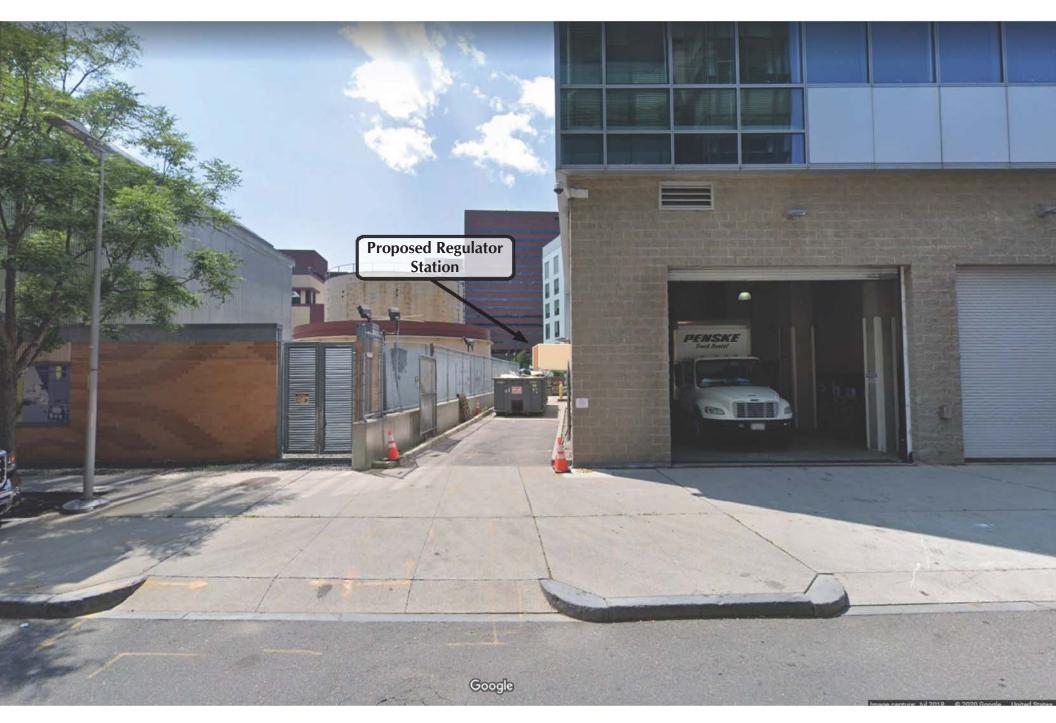
3. Looking West Toward Gas Main Footprint.



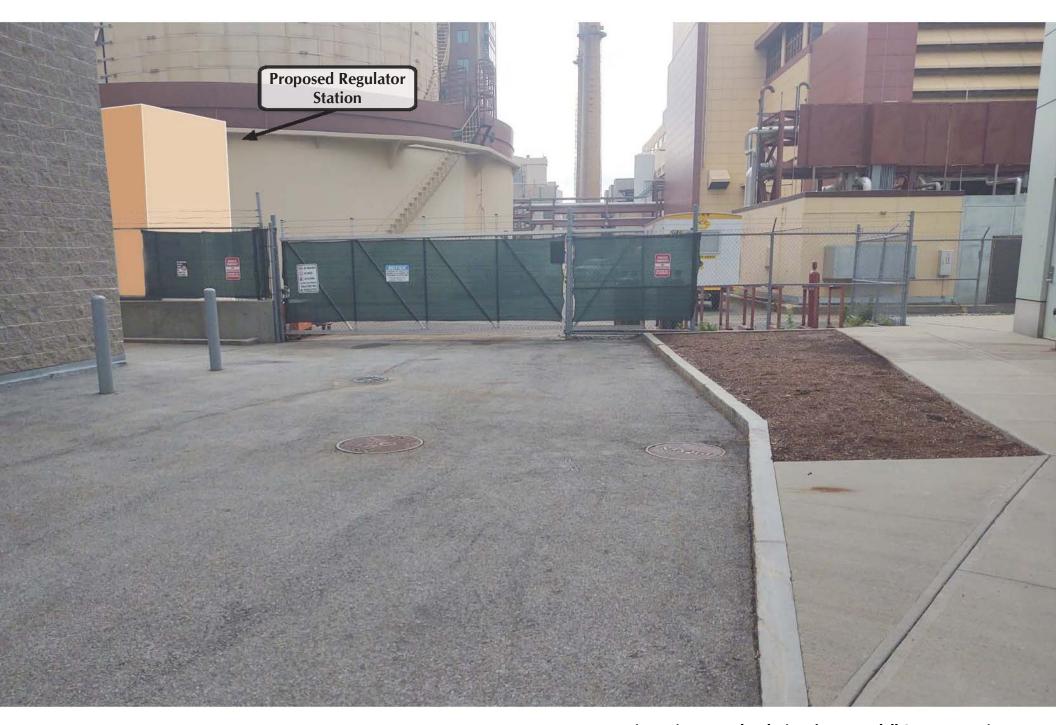
2. Looking East from Gas Main Footprint.



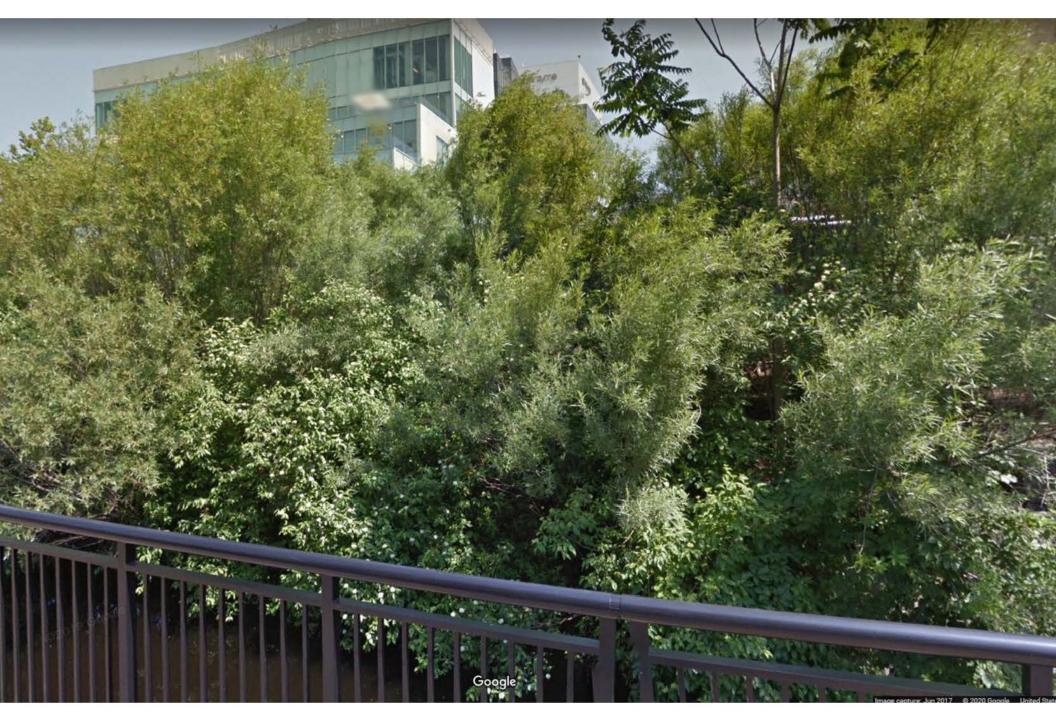
4. Looking South Toward Broad Canal.



Viewpoint 1: Eye-level View from Athenaeum Street Location for 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 Councilor Architect/Urban Designer

dcarlone@cambridgema.gov

617/494.9559

