

BZA APPLICATION FORM

GENERAL INFORMATION

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

Special Permit: _____ Variance: _____ Appeal: X

PETITIONER: Cellco Partnership d/b/a Verizon Wireless

PETITIONER'S ADDRESS: 118 Flanders Road, 3d Floor, Westborough, MA 01581

LOCATION OF PROPERTY: 40 Whittemore Avenue, aka One Alewife Center

TYPE OF OCCUPANCY: Office ZONING DISTRICT: SD-3

REASON FOR PETITION:

_____ Additions _____ New Structure

_____ Change in Use/Occupancy _____ Parking

_____ Conversion to Addi'l Dwelling Unit's _____ Sign

_____ Dormer _____ Subdivision

X Other: Mobile Communication Facility modification (Eligible Facilities request under Section 6409 of the Federal Spectrum Act)

DESCRIPTION OF PETITIONER'S PROPOSAL:

Appeal from Inspectional Services Determination that proposed modification to existing mobile communications facility requires "new special permit." For a detailed description of the proposed facility upgrade, see the attached Statement and Site Plan. This modification constitutes an Eligible Facilities Request under Section 6409 of the Federal Spectrum Act.

SECTIONS OF ZONING ORDINANCE CITED:

Article 10 Section 10.21

Article _____ Section _____

Article _____ Section _____

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): Michael S. Giaimo
(Petitioner(s)/Owner)

* Michael S. Giaimo, attorney for Cellco Partnership d/b/a Verizon Wireless
(Print Name)

Address: Verizon Wireless, Attn: Ellen Dalmus
 400 Friberg Parkway
 Westborough, MA 01581

Tel. No.: (508) 330-3300

E-Mail Address: mgiaimo@rc.com

Date: _____

* Robinson & Cole LLP
One Boston Place, 25th Floor, Boston, MA 02108
(617) 557-5959

2016 NOV 18 AM 11:41
OFFICE OF THE CITY CLERK
CAMBRIDGE, MASSACHUSETTS

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 JCC One Alewife Parkway LLC
(OWNER)

Address: c/o Colony Realty Partners, Two International Place, Boston, MA 02110

State that I/We own the property located at 1 Alewife Center (40 Whittemore Ave.) which is the subject of this zoning application.

The record title of this property is in the name of JCC One Alewife Parkway LLC

*Pursuant to a deed of duly recorded in the date 5/9/14, Middlesex South County Registry of Deeds at Book 63592, Page 355; 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.

STATE OF FLORIDA
Commonwealth of Massachusetts, County of Palm Beach

The above-name Mitch Henry personally appeared before me, this 17 of NOV, 2016, and made oath that the above statement is true.

Renée Ann Winslow Notary

My commission expires _____ (Notary Seal).


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

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

**STATEMENT IN SUPPORT OF
APPEAL BY
CELLCO PARTNERSHIP
d/b/a VERIZON WIRELESS**

40 Whittemore Avenue (aka One Alewife Center) (Assessors Map 269, Lot 132)

This is an appeal of a decision of Senior Building Inspector, David Byrne, dated October 21, 2016 (the "ISD Decision"). A copy of the ISD Decision is attached as **Exhibit A**. The ISD Decision referenced, without approving or explicitly denying, an "eligible facilities request" (the "Verizon Wireless EFR") by Verizon Wireless dated October 13, 2016 under Section 6409(a) of Title VI of the Middle Class Tax Relief and Job Creation Act of 2012¹ for modification of the existing mobile communications facility located at 40 Whittemore Avenue, Cambridge, Massachusetts (the "Existing Facility"). A copy of the Verizon Wireless EFR is attached as **Exhibit B**. The Existing Facility was approved by the Board of Zoning Appeal by special permit in Case No. 8591, as filed in the office of the City Clerk on January 10, 2003 (the "BZA Decision"). (See Exhibit B, Attachment 1).

The ISD Decision does not explicitly deny the Eligible Facilities Request, nor does it cite any reasons that would justify a denial. Federal law provides that an Eligible Facilities Request must be approved within 60 days of submittal unless the local government determines that the application does not satisfy the requirements for an eligible facilities request or notifies the applicant within 30 days of submittal "clearly and specifically delineating all missing documents or information" that is "reasonably related to determining whether the request meets the requirements" for an Eligible Facilities Request.² The ISD Decision does not meet the standard of 47 C.F.R. 1.40001(c)(3)(iii), because it does not identify any specific information that is reasonably needed for proper review of the Verizon Wireless EFR. An Eligible Facilities Request is deemed approved as a matter of federal law, if not denied within 60 days of submittal of the request.³ In bringing this appeal from the ISD Decision, Verizon Wireless does not intend to waive, and specifically reserves, all of its rights under federal law, including these provisions.

Grounds for Appeal

The grounds for this appeal are that the ISD Decision improperly directed Verizon Wireless to submit an application for a "new special permit" rather than approving the EFR. The Inspectional Services Department should have determined that the Verizon Wireless EFR satisfied the requirements of Section 6409(a) on the basis of the information presented in the Verizon Wireless EFR. Verizon Wireless should have then been able to file for a building

¹ Section 6409(a) of Title VI of the Middle Class Tax Relief and Job Creation Act of 2012, commonly referred as the "Spectrum Act," is codified as 47 U.S.C. 1455(a).

² 47 C.F.R. 1.40001(c)(2).

³ 47 C.F.R. 1.40001(c)(4).

permit without seeking relief from this Board in the form of a “new special permit” or special permit modification.

Verizon Wireless is not required to obtain a new Special Permit or modify its existing Special Permit in order to secure approval of an eligible facilities request pursuant to Federal Law.

There is no legal basis for ISD to require Verizon Wireless to submit an application for a “new special permit” or to require that it modify the existing special permit granted in the BZA Decision in order to obtain approval of an eligible facility request. First, the federal statute itself states that a municipality “may not deny and shall approve” a qualifying eligible facilities request. 47 U.S.C. 1455(a)(1). Requiring that the party presenting an eligible facilities request submit to a zoning special permit process is inconsistent with the federal statute because the special permit process is one that allows a municipal board to exercise discretion in determining whether to grant relief.⁴ In contrast, the federal statute is clear that a municipality reviewing an eligible facilities request shall approve the request if it meets the standards of the statute. There is no provision for the exercise of discretion. It is well established under Massachusetts law that “a use allowed as of right cannot be made subject to the grant of a special permit inasmuch as the concepts of a use as of right and a use dependent on discretion are mutually exclusive.”⁵ Moreover, as noted in the Verizon Wireless EFR, the Massachusetts Attorney General, in reviewing municipal bylaw amendments addressing wireless communications facilities, has interpreted Section 6409(a) as it relates to municipal zoning provisions and has ruled, repeatedly, that eligible facilities requests shall not be subject to a special permit process. (See Exhibit B page 6 and Attachments 4 and 5). It is also important to note that the U.S. Court of Appeals for the Fourth Circuit recently upheld the FCC regulations concerning eligible facilities requests in *Montgomery County v. F.C.C.*, 2015 WL 9261375 (Fourth Cir., December 18, 2015). This decision confirms that the FCC regulations “displace[] discretionary municipal control over certain facility modification requests” and “do not permit municipalities to conduct a contextual review of each facility.”

Furthermore, as a matter of state and local law, the Board has not been given authority under the Cambridge Zoning Ordinance to review eligible facilities requests through a special permit process. Even if federal and state law did permit local governments to require that eligible facilities requests be reviewed as a special permit, Cambridge has not done so. Section 10.13 of the Zoning Ordinance specifies the powers and duties of the Board. As they relate to special permits, those powers are specifically “[t]o hear and decide applications for special permits upon which the Board is empowered to act under Section 10.30 of this Article.”⁶ (emphasis added). Section 10.41 provides that special permits “may be granted [by] the Board of Zoning Appeal . . . as specified elsewhere in this Ordinance.” No provision of the Ordinance authorizes the Board to review modifications of existing wireless facilities that qualify as “eligible facilities requests”

⁴ See *MacGibbon v. Board of Appeals*, 356 Mass.635, 638 (1970)(Special permit granting authority “is not compelled to grant the permit. It has discretionary power in acting thereon.”)

⁵ *Prudential Ins. Co. v. Board of Appeals*, 23 Mass. App. Ct. 278, 281 (1986), citing *SCIT, Inc. v. Planning Bd. of Braintree*, 19 Mass. App. Ct. 101 (1984).

⁶ Zoning Ordinance Section 10.13(b). Section 10.30 of the Ordinance pertains only to Variances – presumably the intended reference is to Section 10.40, captioned “Special Permits.”

under Federal Law, let alone to do so through the special permit process. Moreover, the procedural and substantive standards set forth in the balance of Section 10.40 and in G.L. c. 40A are wholly inconsistent with the intent and substance of Section 6409(a) and its implementing regulations.

It also bears noting that more than three years after Congress adopted Section 6409(a) and more than eighteen months after the effective date of the FCC regulations⁷ addressing the standards for reviewing eligible facilities requests under Section 6409(a), the City of Cambridge has yet to adopt an ordinance or written policy concerning the submittal and review of eligible facilities requests. Under that circumstance, Verizon Wireless logically and properly directed its request to the Commissioner of Inspectional Services as the City's chief building official. The statement in the ISD Decision that Verizon Wireless must "submit an application for a special permit as soon as practicable" if it wishes to proceed with a facility modification that it has a Federal right to undertake, is a disingenuous and legally ineffective attempt to delay the timely review of the Verizon Wireless EFR.

The Verizon Wireless EFR satisfies the requirements of Section 6409(a)

The information Verizon Wireless presented to the Commissioner was sufficient for ISD to determine that the Verizon Wireless EFR qualified as an eligible facilities request under Section 6409(a). Verizon Wireless documented that the Existing Facility was approved by the Board in Case No. 8591 (i.e., the BZA Decision). The Verizon Wireless EFR also described how the proposed modifications to the Existing Facility satisfied each of the statutory requirements for an "eligible facilities request" (See Exhibit B, pp. 2-5) and presented plans and a photosimulation study in support of that conclusion.

With reference to prior "stealth" conditions of the BZA Decision, the photosimulation study specifically documented that, consistent with the existing conditions, the modified antennas will be painted to match the background color of the building. (Exhibit B, Attachment 5). The plans provided with the Verizon EFR (Exhibit B, Attachment 2) explicitly note in multiple places that the new and replacement antennas and mounts will be "painted to match" the building. The narrative within the Verizon Wireless EFR also explicitly states, in italics for emphasis and clarity, that "[t]he replacement antennas will be painted to match the building facade." Furthermore, with respect to all of these conditions, the Verizon Wireless EFR included an affirmative statement that the conditions to the BZA Decision were satisfied. (See Exhibit B at p. 5.)

Request for Relief

For all of the foregoing reasons, Verizon Wireless respectfully requests that the Board reverse the ISD Decision and determine that ISD should have found that the Verizon Wireless EFR qualifies as an eligible facilities request under Section 6409(a) and approved it accordingly.

⁷ The regulations implementing Section 6409(a) were adopted by the Federal Communications Commission on January 8, 2015 and went into effect on April 8, 2015. See Acceleration of Broadband Deployment by Improving Wireless Facilities Siting Policies, 80 Fed. Reg. 1238 (Jan. 8, 2015) (codified at 47 C.F.R. 1.40001).

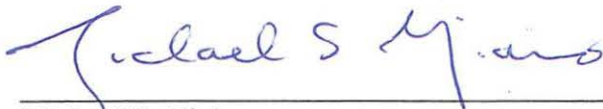
In the alternative, Verizon Wireless respectfully requests that the Board determine, based on all the information presented in this appeal, that the work described in the Verizon Wireless EFR qualifies as an eligible facilities request and that the Board approve the Verizon Wireless EFR accordingly.

To the extent that the Board concludes that its authorization of the work as an eligible facilities request under Section 6409(a) should take the form of a modification to the existing special permit in BZA Case No. 7592, Verizon Wireless, reserving all of its rights, respectfully requests that the Board grant such modification.

Respectfully Submitted,

Cellco Partnership d/b/a Verizon Wireless

by its attorneys

A handwritten signature in blue ink that reads "Michael S. Giaimo". The signature is written in a cursive style and is positioned above a horizontal line.

Michael S. Giaimo
Timothy C. Twardowski
Robinson & Cole LLP
25th Floor
One Boston Place
Boston, MA 02018
617-557-5900

November 15, 2016

BZA APPLICATION FORM

DIMENSIONAL INFORMATION

APPLICANT: Cellco Partnership
d/b/a Verizon Wireless PRESENT USE/OCCUPANCY: Office

LOCATION: 40 Whittemore Avenue, aka One Alewife Center ZONE: SD-3

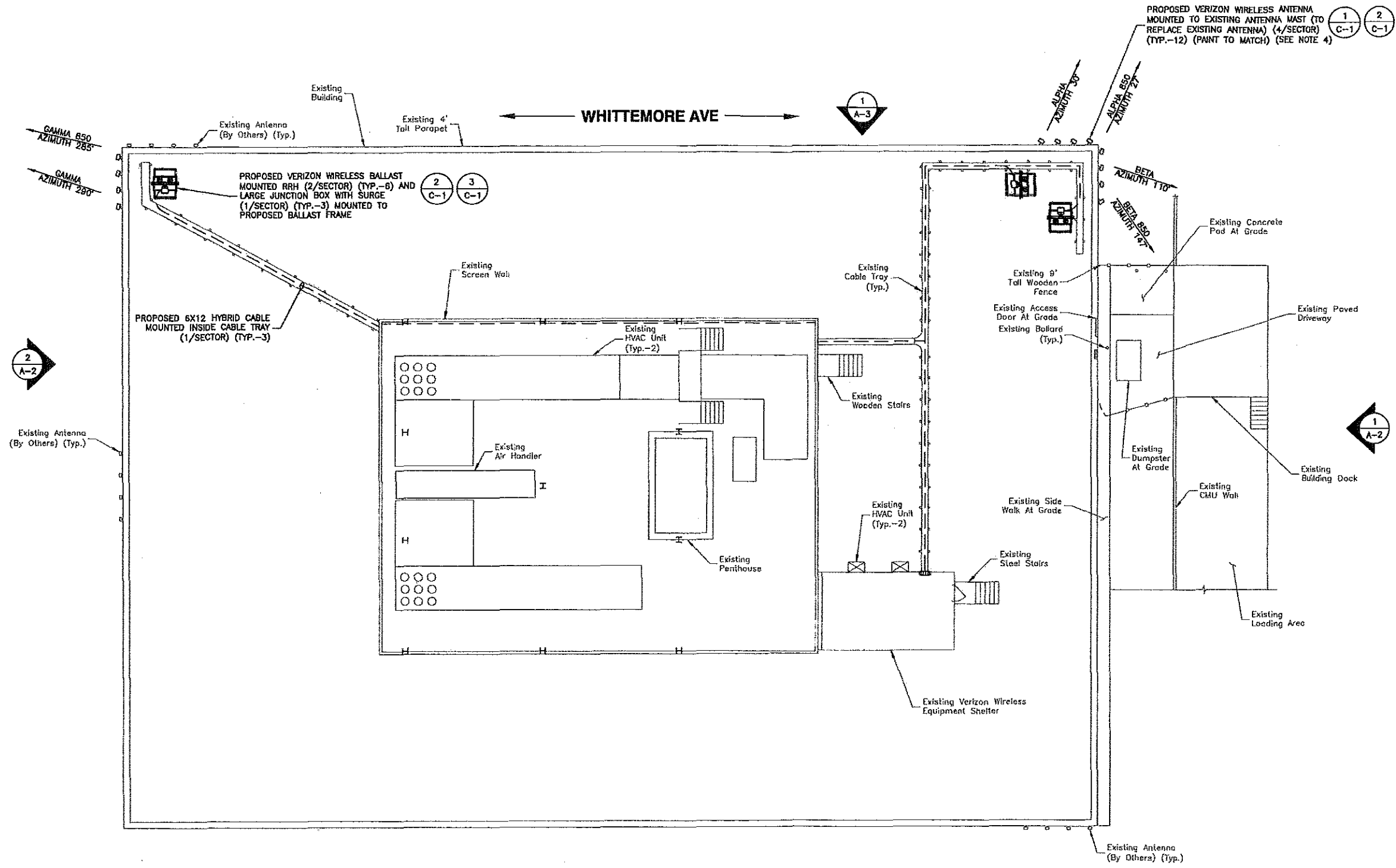
PHONE: (508) 330-3300 REQUESTED USE/OCCUPANCY: Mobile Communications Facility

	<u>EXISTING</u> <u>CONDITIONS</u>	<u>REQUESTED</u> <u>CONDITIONS</u>	<u>ORDINANCE</u> <u>REQUIREMENTS</u> ¹
<u>TOTAL GROSS FLOOR AREA:</u>	_____	No change	NA (max.)
<u>LOT AREA:</u>	45,125 sf	_____	20,000 sf (min.)
<u>RATIO OF GROSS FLOOR AREA</u> <u>TO LOT AREA:</u> ²	_____	No change	None (max.)
<u>LOT AREA FOR EACH DWELLING UNIT:</u>	NA	No change	2,500 sf (min.)
<u>SIZE OF LOT:</u>			100 ft (min.)
	WIDTH	_____	
	DEPTH	_____	
<u>Setbacks in</u> <u>Feet:</u>		No change	None (min.)
	FRONT	_____	
	REAR	_____	None (min.)
	LEFT SIDE	_____	None (min.)
	RIGHT SIDE	_____	None (min.)
<u>SIZE OF BLDG.:</u>		54'0" (top of parapet)	55' (max.)
	HEIGHT	_____	
	LENGTH	_____	
	WIDTH	_____	
<u>RATIO OF USABLE OPEN SPACE</u> <u>TO LOT AREA:</u> ³)	NA	NA	None (min.)
<u>NO. OF DWELLING UNITS:</u>	NA	NA	NA (max.)
<u>NO. OF PARKING SPACES:</u>	NA	NA	NA (min./max)
<u>NO. OF LOADING AREAS:</u>	NA	NA	NA (min.)
<u>DISTANCE TO NEAREST BLDG.</u> <u>ON SAME LOT:</u>	NA	No change	NA (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.

Not applicable

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'.



ROOF PLAN
 SCALE: 1"=20' FOR 11'x17'
 1"=10' FOR 22'x34'
 0' 10' 20'

- NOTES:**
1. NORTH SHOWN AS APPROXIMATE.
 2. SOME EXISTING & PROPOSED INFORMATION NOT SHOWN FOR CLARITY.
 3. PLANS BASED ON FIELD OBSERVATIONS DURING SITE VISIT BY DEWBERRY ENGINEERS INC. ON 4/15/15 & EXISTING DRAWINGS BY WEIDLINGER ASSOCIATES DATED 09/18/86.
 4. REPLACE PIPE MOUNTS TO ACCOMMODATE ANTENNA LENGTH AND AZIMUTH (PAN) AS NEEDED.

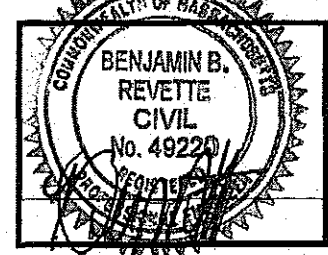
verizon
 WIRELESS
 VERIZON WIRELESS
 118 FLANDERS ROAD
 WESTBOROUGH, MA 01581-3956

ARLINGTON 2 MA

CONSTRUCTION DRAWINGS

0	09/29/16 FOR SUBMITTAL

Dewberry
 Dewberry Engineers Inc.
 280 SUMMER STREET
 10TH FLOOR
 BOSTON, MA 02210
 PHONE: 617.895.3400
 FAX: 617.895.3310



DRAWN BY:	SK
REVIEWED BY:	JCM
CHECKED BY:	BBR
PROJECT NUMBER:	50002925
JOB NUMBER:	50085152

SITE ADDRESS
 40 WHITTEMORE AVE.
 CAMBRIDGE, MA 02140

SHEET TITLE
 ROOF PLAN

SHEET NUMBER

A-1



VERIZON WIRELESS
118 FLANDERS ROAD
WESTBOROUGH, MA 01581-3956

ARLINGTON 2 MA

CONSTRUCTION DRAWINGS

09/29/16	FOR SUBMITTAL



Dewberry Engineers Inc.
280 SUMMER STREET
10TH FLOOR
BOSTON, MA 02210
TEL: 617.552.9530 FAX: 617.552.3400



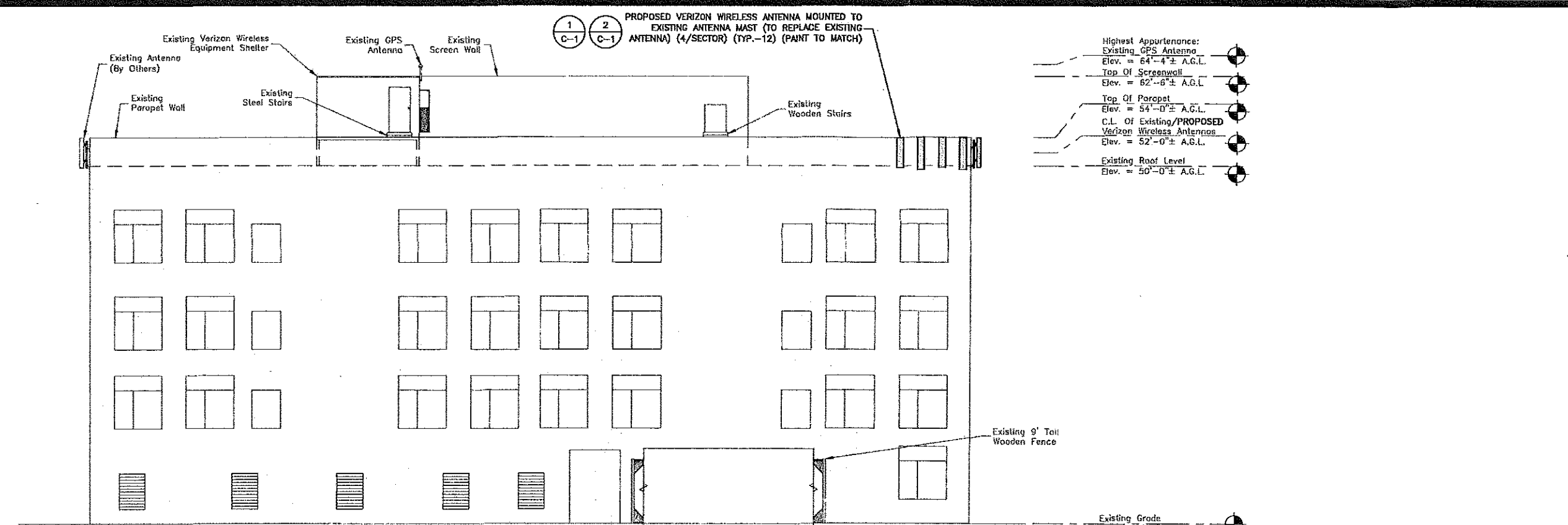
DRAWN BY: SK
REVIEWED BY: JCM
CHECKED BY: BBR
PROJECT NUMBER: 50002925
JOB NUMBER: 50085162

SITE ADDRESS
40 WHITTEMORE AVE.
CAMBRIDGE, MA 02140
SHEET TITLE

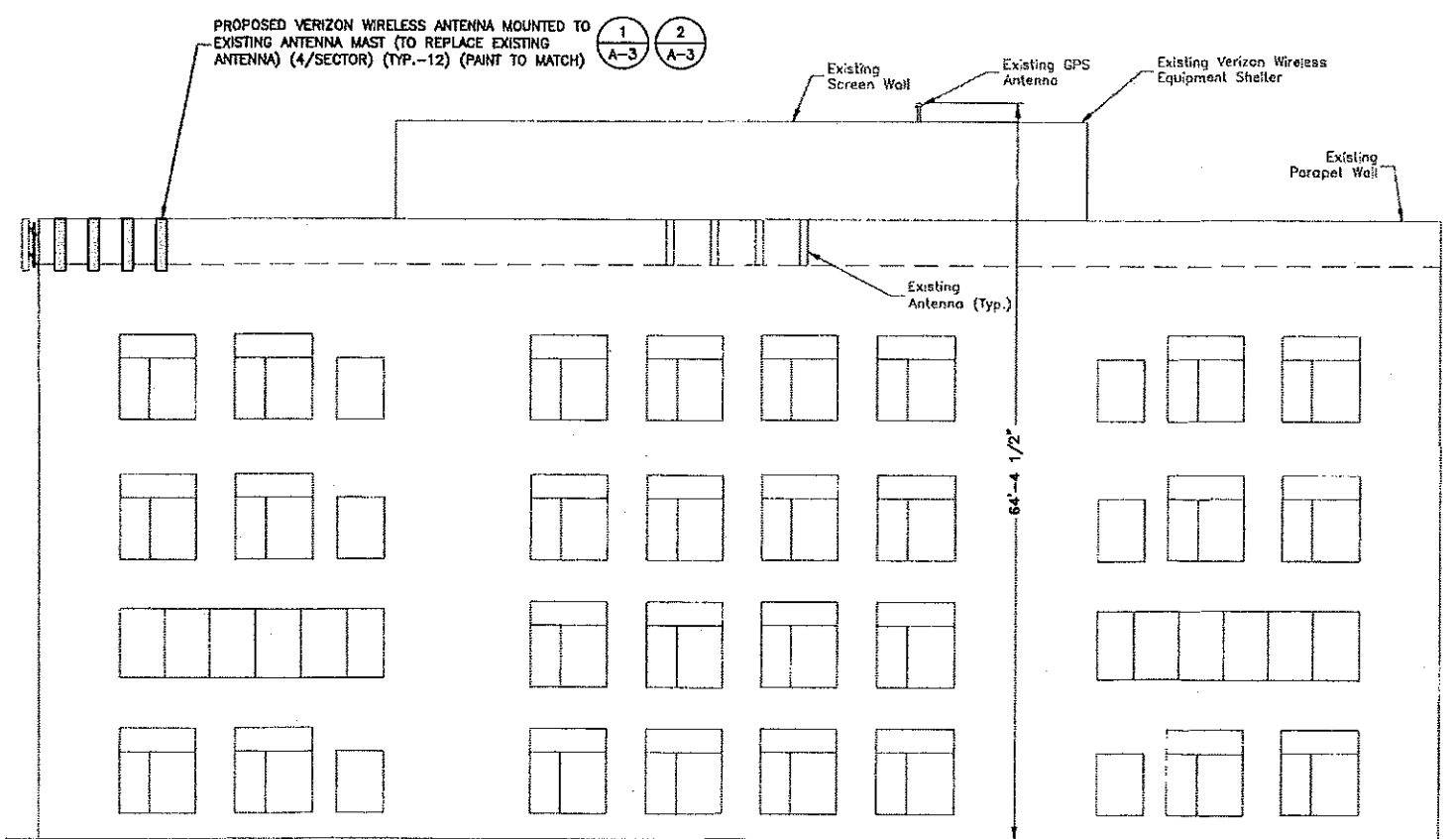
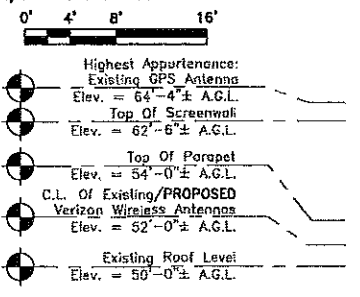
EAST & WEST ELEVATIONS

SHEET NUMBER

A-2



EAST ELEVATION
SCALE: 1/16"=1' FOR 11'x17"
1/8"=1' FOR 22'x34"



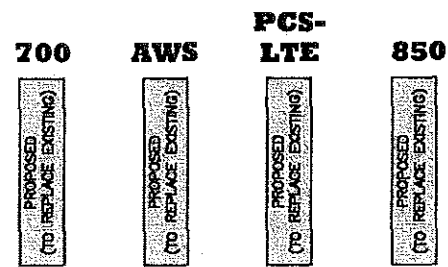
WEST ELEVATION
SCALE: 1/16"=1' FOR 11'x17"
1/8"=1' FOR 22'x34"



- NOTES:
- ELEVATIONS SHOWN AS APPROXIMATE.
 - SOME EXISTING & PROPOSED INFORMATION NOT SHOWN FOR CLARITY.
 - PLANS BASED ON FIELD OBSERVATIONS DURING SITE VISIT BY DEWBERRY ENGINEERS INC. ON 4/15/15 & EXISTING DRAWINGS BY WEIDLINGER ASSOCIATES DATED 08/18/06.
 - REPLACE PIPE MOUNTS TO ACCOMMODATE ANTENNA LENGTH AND AZIMUTH (PAK) AS NEEDED.

GENERAL NOTES:

- ALL DIMENSIONS TO, OF, AND ON EXISTING BUILDINGS, DRAINAGE STRUCTURES, AND SITE IMPROVEMENTS SHALL BE VERIFIED IN FIELD BY CONTRACTOR PRIOR TO ALL FABRICATION WITH ALL DISCREPANCIES REPORTED IMMEDIATELY TO THE ENGINEER.
- DO NOT CHANGE SIZE NOR SPACING OF STRUCTURAL ELEMENTS.
- DETAILS SHOWN ARE TYPICAL; SIMILAR DETAILS APPLY TO SIMILAR CONDITIONS UNLESS OTHERWISE NOTED.
- THESE DRAWINGS DO NOT INCLUDE NECESSARY COMPONENTS FOR CONSTRUCTION SAFETY WHICH IS THE SOLE RESPONSIBILITY OF THE CONTRACTOR.
- BRACE STRUCTURES UNTIL ALL STRUCTURAL ELEMENTS NEEDED FOR STABILITY ARE INSTALLED, THESE ELEMENTS ARE AS FOLLOWS: LATERAL BRACING, ANCHOR BOLTS, ETC.
- DETERMINE EXACT LOCATION OF EXISTING UTILITIES, GROUNDS DRAINS, DRAIN PIPES, VENTS, ETC. BEFORE COMMENCING WORK.
- INCORRECTLY FABRICATED, DAMAGED, OR OTHERWISE MISFITTING OR NONCONFORMING MATERIALS OR CONDITIONS SHALL BE REPORTED TO THE OWNER PRIOR TO REMEDIAL OR CORRECTIVE ACTION. ANY SUCH REMEDIAL ACTION SHALL REQUIRE WRITTEN APPROVAL BY THE OWNER'S REPRESENTATIVE PRIOR TO PROCEEDING.
- EACH CONTRACTOR SHALL COOPERATE WITH THE OWNER'S REPRESENTATIVE, AND COORDINATE HIS WORK WITH THE WORK OF OTHERS.
- REPAIR ANY DAMAGE DURING CONSTRUCTION TO MATCH EXISTING PRE-CONSTRUCTION CONDITIONS TO THE SATISFACTION OF THE CONSTRUCTION MANAGER.
- ALL CABLE/CONDUIT ENTRY/EXIT PORTS SHALL BE WEATHERPROOFED DURING INSTALLATION USING A SILICONE SEALANT.
- THE CONTRACTOR SHALL SUPERVISE AND DIRECT THE PROJECT DESCRIBED HEREIN. THE CONTRACTOR SHALL BE SOLELY RESPONSIBLE FOR ALL CONSTRUCTION MEANS, METHODS, TECHNIQUES, SEQUENCES AND PROCEDURES AND FOR COORDINATING ALL PORTIONS OF THE WORK UNDER THE CONTRACT.
- SEAL PENETRATIONS THROUGH FIRE RATED AREAS WITH UL LISTED D FIRE CODE APPROVED MATERIALS.
- TURN OVER ALL SALVAGEABLE BUILDING MATERIAL TO BUILDING MANAGER.
- ALL DISRUPTIVE WORK AND WORK WITHIN TENANT SPACES TO BE COORDINATED WITH BUILDING REPRESENTATIVE.
- ALL ROOF PENETRATIONS SHALL BE RESTORED TO MAINTAIN ALL ROOF WARRANTIES AND ENSURE A PERMANENT WATERPROOF SEAL.
- CONTRACTOR SHALL NOTIFY THE ENGINEER A MINIMUM OF 48 HOURS IN ADVANCE PRIOR TO CONSTRUCTION START, MORE SPECIFICALLY BEFORE SEALING ANY FLOOR, WALL OR ROOF PENETRATION, FINAL UTILITY CONNECTIONS, POURING CONCRETE, BACKFILLING UTILITY TRENCHES AND STRUCTURAL POST OR MOUNTING CONNECTIONS, FOR ENGINEERING REVIEW AND INSPECTION.

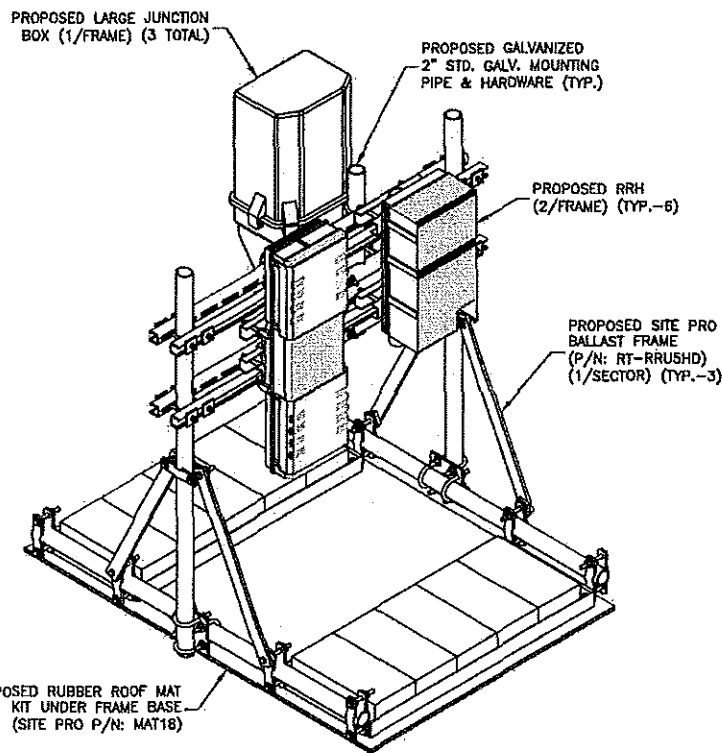


NOTES:

- AS VIEWED STANDING BEHIND THE ANTENNAS.
- TYPICAL FOR 3 SECTORS. VERIFY FINAL ANTENNA DESIGN SHEET PRIOR TO CONSTRUCTION.
- REUSE EXISTING ANTENNA MOUNTS AND COAX. INSPECT FOR DAMAGE OR DECAY AND REPLACE AS NEEDED.

ANTENNA CONFIGURATION

SCALE: N.T.S.

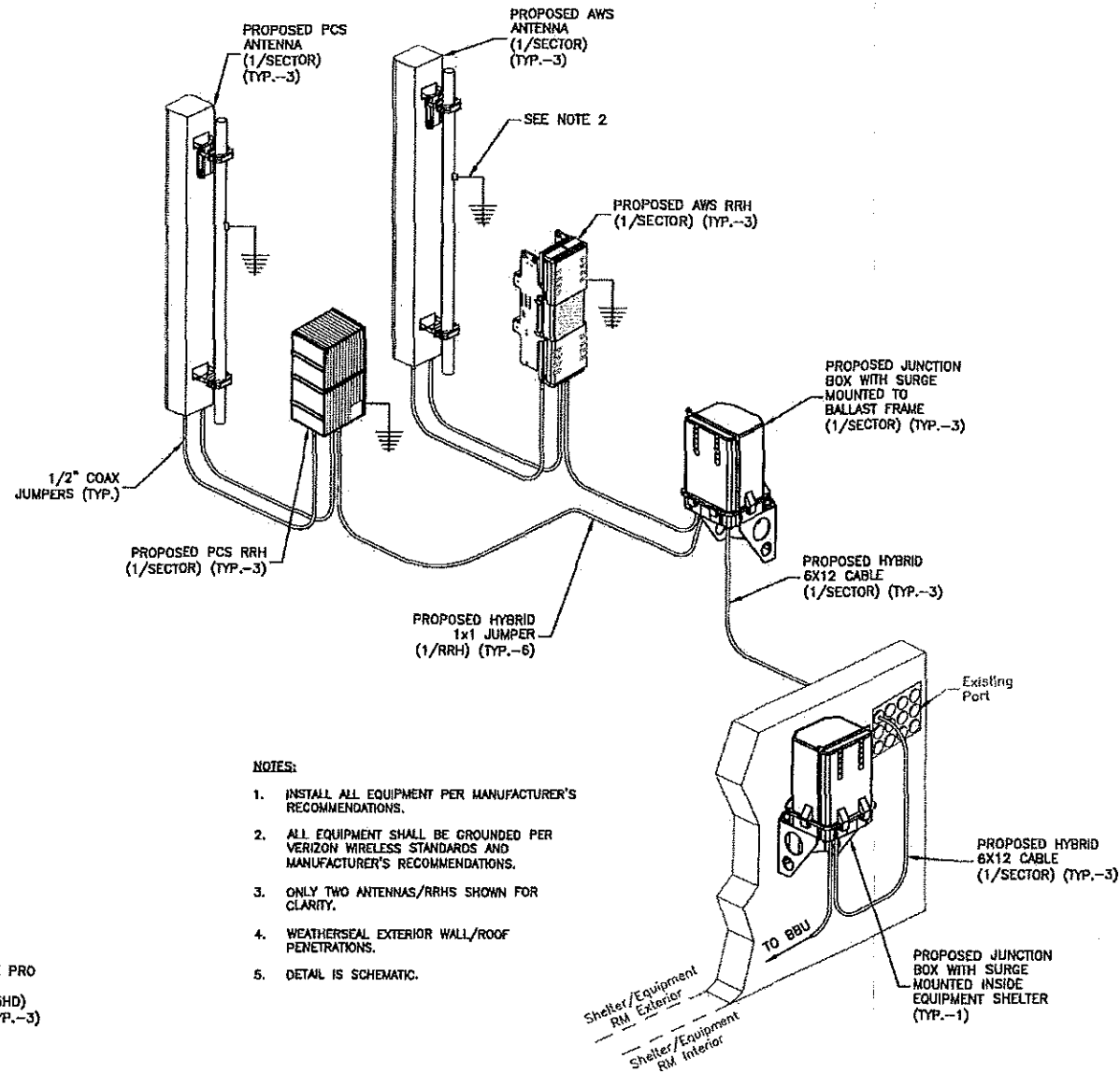


NOTES:

- INSTALL ALL EQUIPMENT PER MANUFACTURER'S RECOMMENDATIONS AND MINIMIZED OVERALL HEIGHT.
- ALL EQUIPMENT SHALL BE GROUNDED PER VERIZON WIRELESS STANDARDS AND MANUFACTURER'S RECOMMENDATIONS.
- DETAIL IS SCHEMATIC.
- ALL MOUNTING HARDWARE TO BE GALVANIZED.

RRH & SURGE BALLAST MOUNTING DETAIL

SCALE: N.T.S.

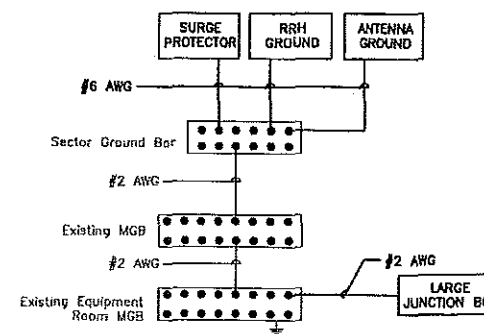


NOTES:

- INSTALL ALL EQUIPMENT PER MANUFACTURER'S RECOMMENDATIONS.
- ALL EQUIPMENT SHALL BE GROUNDED PER VERIZON WIRELESS STANDARDS AND MANUFACTURER'S RECOMMENDATIONS.
- ONLY TWO ANTENNAS/RRHS SHOWN FOR CLARITY.
- WEATHERSEAL EXTERIOR WALL/ROOF PENETRATIONS.
- DETAIL IS SCHEMATIC.

EQUIPMENT CONFIGURATION

SCALE: N.T.S.



NOTES:

- ALL PROPOSED EQUIPMENT TO BE GROUNDED TO SECTOR GROUND BAR.
- TYPICAL FOR FOR ALL SECTORS.
- GROUNDED SHALL COMPLY WITH NEC ART. 250 & VERIZON WIRELESS SPECIFICATIONS.

SCHEMATIC GROUNING DIAGRAM

SCALE: N.T.S.



VERIZON WIRELESS
118 FLANDERS ROAD
WESTBOROUGH, MA 01581-3956

ARLINGTON 2 MA

CONSTRUCTION DRAWINGS

09/29/16 FOR SUBMITTAL



Dewberry Engineers Inc.
280 SUMMER STREET
10TH FLOOR
BOSTON, MA 02210
PHONE: 617.095.3400
FAX: 617.095.3310



DRAWN BY: SK

REVIEWED BY: JCM

CHECKED BY: BBR

PROJECT NUMBER: 50002925

JOB NUMBER: 500B5152

SITE ADDRESS

40 WHITTEMORE AVE.
CAMBRIDGE, MA 02140

SHEET TITLE

CONSTRUCTION DETAILS

SHEET NUMBER

C-1

BLOCK 269



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

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

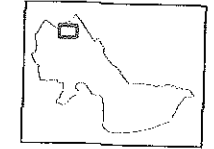
10 Lot Number
269 Block Number
10 Cam Street Number
(125.0) Deed Dimension

100 Parcel size in Sq. Ft.
44.0LC Land Court Dimension
65.0 Survey Dimensions

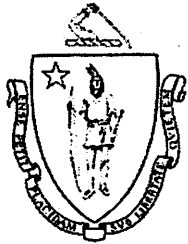
DISCLAIMER:
All Real Property shown on this map was compiled from existing Assessor's Tax Maps dated 12/31/2014 and maintained by the City Assessor's Office and the Department of Public Works. Subsequent changes have been incorporated using the City of Cambridge Geographic Information System (GIS). Parcels here not been created from survey and may be suitable for assessing purposes only.
The City of Cambridge assumes no legal responsibility for information shown on this map.



0 37.5 75 150 Feet
1 inch = 81 feet



Parcel Block Map
269



THE COMMONWEALTH OF MASSACHUSETTS
OFFICE OF THE ATTORNEY GENERAL

CENTRAL MASSACHUSETTS DIVISION
10 MECHANIC STREET, SUITE 301
WORCESTER, MA 01608

MAURA HEALEY
ATTORNEY GENERAL

(508) 792-7600
(508) 795-1991 fax
www.mass.gov/ago

February 17, 2015

Dorothy A. Powers, Town Clerk
Town of Westwood
580 High Street
Westwood, MA 02090

RE: **Westwood Special Town Meeting of November 17, 2014 - Case # 7455**
Warrant Articles # 11, 12, 13, 14, 15 and 16 (Zoning)
Warrant Article # 7, 17 and 18 (General)

Dear Ms. Powers:

Articles 7 and 18 – We take no action on Articles 7 and 18 because they are votes to accept the provisions of local option statutes. Such votes do not require review and approval by the Attorney General.

Article 14 – We retain Article 14 (Street Access Special Permit) for further review and will issue our decision by our deadline of March 9, 2015.

Articles 11, 12, 13, 15, 16, and 17 – We approve these Articles from the November 17, 2014 Westwood Special Town Meeting. Our comments on Article 13 are detailed below.

Article 13 – Article 13 amends Section 7.3 of the Town’s Zoning Bylaw, “Environmental Impact and Design Review.” In part the amendments make the EIDR by-law applicable to the “construction, installation or alteration of a Minor Wireless Communication Facility pursuant Section 9.4 of [the zoning] bylaw.”

Section 6409 of the Middle Class Tax Relief and Job Creation Act of 2012 requires that “[A] state or local government *may not deny, and shall approve*, any eligible facilities request for a modification of an existing wireless tower or base station that does not substantially change the physical dimensions of such tower or base station.” (emphasis added). The Act defines “eligible facilities request” as any request for modification of an existing wireless tower or base station that involves: 1) collocation of new transmission equipment; 2) removal of transmission equipment; or 3) replacement of transmission equipment. The Act applies “[n]otwithstanding section 704 of the Telecommunications Act of 1996.” The Act’s requirement that a local government “may not deny, and shall approve, any eligible facilities request” means that a request for modification to an existing facility that does not substantially change the physical dimensions of the tower or base station must be approved. Such qualifying requests also cannot

be subject to a discretionary special permit. The Town must apply the EIDR by-law consistent with these requirements.

Article 13 also amends Section 7.3.3, "Exempt Uses" to clarify the application of the EIDR by-law to protected uses under G.L. c. 40A, Section 3, as follows (emphasis supplied):

In cases where M.G.L. Chapter 40A, Section 3 provides certain exemptions from zoning restrictions for uses protected thereunder, review and approval pursuant to this Section shall be limited consistent with those statutory provisions and on other matters shall be advisory only. For all uses exempt under M.G.L. Chapter 40A, Section 3, the Planning Board shall make determinations of compliance with dimensional and parking requirements of this Bylaw, including requirements related to setbacks, building height, building coverage, **impervious surface, parking and circulation, buffers, screening, landscaping, lighting, and stormwater management.**

This text must be applied consistent with the protections given to agricultural, religious, educational, child care, and solar energy systems under G.L. c. 40A, § 3.

First, G.L. c. 40A, § 3 requires that, to the extent the use of land or structures constitutes commercial agriculture, the Town cannot require a special permit for, unreasonably regulate, or prohibit such activities: (1) on land zoned for agriculture; (2) on land that is greater than five acres in size; and (3) on land of 2 acres or more if the sale of products from the agricultural use generates \$1,000 per acre or more of gross sales. We urge the Town to consult closely with Town Counsel when applying the new text in the EIDR by-law to agricultural uses to ensure that the Town complies with G.L. c. 40A, § 3.

Second, for religious, educational, and child care uses, G.L. c. 40A, § 3 allows the Town to impose only reasonable regulations in eight areas: the bulk and height of structures, yard size, lot area, setbacks, open space, parking and building coverage requirements. Nothing in G.L. c. 40A, § 3 allows the Town to impose requirements regarding impervious surface, screening, landscaping, lighting, and stormwater management on religious, educational, and child care uses. Because the text in underline and bold above conflicts with the G.L. c. 40A, § 3 protections for religious, educational, and child care uses, the Town cannot apply this text to such uses. We urge the Town to consult closely with Town Counsel when applying the new text in the EIDR by-law to religious, educational, and child care uses to ensure that the Town complies with G.L. c. 40A, § 3.¹

¹ During the course of our review we received correspondence from a Town resident urging us to disapprove the amendment to Section 7.3.3 on the basis that the EIDR is in reality special permit review process, and thus violates G.L. c. 40A, § 3. We appreciate this correspondence and it has aided us in our review. However, we are unable to conclude that the EIDR is in reality a special permit requirement, and cannot disapprove the text under the Attorney General's standard of review of by-laws under G.L. c. 40, § 32.

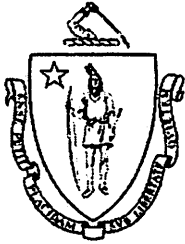
Note: Pursuant to G.L. c. 40, § 32, neither general nor zoning by-laws take effect unless the Town has first satisfied the posting/publishing requirements of that statute. Once this statutory duty is fulfilled, (1) general by-laws and amendments take effect on the date these posting and publishing requirements are satisfied unless a later effective date is prescribed in the by-law, and (2) zoning by-laws and amendments are deemed to have taken effect from the date they were approved by the Town Meeting, unless a later effective date is prescribed in the by-law.

MAURA HEALEY
ATTORNEY GENERAL

Margaret J. Hurley

by: Margaret J. Hurley, Assistant Attorney General
Chief, Central Massachusetts Division
Director, Municipal Law Unit
Ten Mechanic Street, Suite 301
Worcester, MA 01608
(508) 792-7600 x 4402

cc: Town Counsel Thomas P. McCusker



THE COMMONWEALTH OF MASSACHUSETTS
OFFICE OF THE ATTORNEY GENERAL

CENTRAL MASSACHUSETTS DIVISION
10 MECHANIC STREET, SUITE 301
WORCESTER, MA 01608

MAURA HEALEY
ATTORNEY GENERAL

(508) 792-7600
(508) 795-1991 fax
www.mass.gov/ago

February 10, 2015

Trudy L. Reid, Town Clerk
Town of Lynnfield
55 Summer Street
Lynnfield, MA 01940

**RE: Lynnfield Fall Annual Town Meeting of October 20, 2014 - Case # 7408
Warrant Articles # 12, 13 and 14 (Zoning)
Warrant Articles # 16 and 17 (General)**

Dear Ms. Reid:

Articles 12, 13, 14, 16 and 17 - We approve Articles 12, 13, 14, 16 and 17 from the October 20, 2014 Lynnfield Fall Annual Town Meeting. Our comments regarding Article 14 are provided below.

Article 14 - Article 14 makes a number of changes to the Town's zoning by-laws pertaining to Radio Telecommunication Facilities (RTF) and Personal Wireless Service Facilities (PWSF) including adding new definitions to Section 2, amending Section 7.4, "Site Plan" to add a new sub-section 7.4A "Additional Requirements for Personal Wireless Service Facilities"; and amending Section 8, "Special Permits" to add a new sub-section 8.7, "Siting of Radio Telecommunications Facilities."

I. Applicable Law

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

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

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

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

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

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

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

In addition, Section 6409 of the Middle Class Tax Relief and Job Creation Act of 2012 requires that “[A] state or local government *may not deny, and shall approve*, any eligible

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

The Town must apply Article 14 in a manner consistent with the applicable law outlined above. In particular, Section 8.7.5.1 requires that PWSF may only be erected upon the grant of a special permit. The Town cannot apply this requirement to eligible facilities requests for modification to existing facilities that qualify for required approval under Section 6409 of the Act. We also urge the Town to consult closely with Town Counsel regarding the appropriate response to applications for collocation in light of these recent amendments.

II. Section 8.7, Siting of Radio Telecommunications Facilities

A. Section 8.7.2, Purpose

Section 8.7.2 provides that the purpose of the by-law is to establish general guidelines for the siting of RTFs. Section 8.7.2 (4) establishes one of the by-law’s goals as “[t]o make all RTF locations available for municipal agencies use where feasible.”

It is unclear whether Section 8.7.2 (4) would require the Town’s use of the RTF, and whether such use would be compensated or uncompensated. When applying the by-law, the Town cannot require an applicant to transfer property to the public without fair compensation. “The Fifth Amendment to the United States Constitution, made applicable to the States through the Fourteenth Amendment, provides that private property shall not ‘be taken for public use, without just compensation.’” This protection is “designed to bar Government from forcing some people alone to bear public burdens which, in all fairness and justice, should be borne by the public as a whole.” Giovanella v. Conservation Commission of Ashland, 447 Mass. 720, 724 (2006) (quoting Armstrong v. United States, 364 U.S. 40, 49 (1960)). More recently, the court in Collins v. Stow, 79 Mass. App. Ct. 447 (2011) ruled that a town cannot condition subdivision approval on the dedication of open space for public use and actual conveyance of the land to the Town in exchange for waivers. “Although a planning board’s authority under the subdivision control law certainly encompasses, in appropriate circumstances, requiring open space, it does not extend to requiring the transfer of that open space to the public for reasons unrelated to adequate access and safety of the subdivision without providing just compensation.” Id. at 453. We suggest that the Town consult with Town Counsel regarding the proper application of Section 8.7.2 (4).

B. Section 8.7.5.4, General

Section 8.7.5.4.1 provides in relevant part that:

An undertaking shall be required, secured by a BOND appropriate in form and amount for removal of the PWSF within 6 months of cessation of operation of said facility or such other activity which may be appropriate to prevent the structures from becoming a nuisance or aesthetic blights.

The Town must apply any bond proceeds in a manner consistent with state law. Bond proceeds do not become Town funds unless and until the applicant defaults on the obligation under the by-law. Moreover, if the Town must use the bond to pay for removal of a PWSF or for other activity to prevent nuisance or blight, an appropriation is required before expenditure is made to do the work. General Laws Chapter 44, Section 53, provides that “[a]ll moneys received by a city, town or district officer or department, except as otherwise provided by special acts and except fees provided for by statute, shall be paid by such officers or department upon their receipt into the city, town or district treasury.” Under Section 53 all moneys received by the Town become a part of the general fund, unless the Legislature has expressly made other provisions that are applicable to such receipt. In the absence of any general or special law to the contrary, performance security funds of the sort contemplated here must be deposited with the Town Treasurer and made part of the Town’s general fund, pursuant to G.L. c. 44, § 53. The Town must then appropriate the money for the specific purpose of completing the work required for removal and/or other activities. The Town should consult with Town Counsel regarding the proper application of Section 8.7.5.4.

C. Section 8.7.5.5, Application Procedures

Section 8.7.5.5 pertaining to the Special Permit application provides in relevant part, that:

The Application Phase of the process begins with the receipt by the SPGA of a complete application including all materials required by the Zoning Bylaw and any applicable regulations.

Within 30 days of receipt, the SPGA or its designee shall review the application for consistency and completeness with respect to the Application Requirements in the bylaw and any applicable regulations and shall notify the Applicant in writing of any deficiency in the completeness of the application.

The SPGA shall take regulatory notice of the Federal Communications Commission (FCC) presumption that the final action of the SPGA on a new Antenna Tower should take no more than 150 days from the date of receipt of the completed application, and that final action on a Collocation or Site Sharing application should take no more than 90 days from the date of receipt of the completed application except upon written

extension of these timelines by mutual agreement between the SPGA and the Applicant.

Section 8.7.5.5 must be applied in a manner consistent with the time limits established in G.L. c. 40A, § 9. General Laws Chapter 40A, Section 9, requires that the special permit granting authority “shall hold a public hearing for which notice has been given as provided in section eleven, on any application for a special permit within sixty-five days from the date of filing of such application. . . . The decision of the special permit granting authority shall be made within ninety days following the date of such public hearing. . . Failure by the special permit granting authority to take final action within . . . ninety days . . . shall be deemed to be a grant of the special permit.” (emphasis added).

Pursuant to G.L. c. 40A, § 9, the filing of a special permit application “starts the clock” on the time period within which the special permitting authority must act. Section 8.7.5.5 cannot be applied in a manner that “starts the clock” only when a *completed* application is filed. The Town must apply Section 8.7.5.5 consistent with G.L. c. 40A, § 9. See Massachusetts Broken Stone Co. v. Town of Weston, 430 Mass. 637, 642 (2000). The Town should consult with Town Counsel regarding the proper application of Section 8.7.5.5.

Note: Pursuant to G.L. c. 40, § 32, neither general nor zoning by-laws take effect unless the Town has first satisfied the posting/publishing requirements of that statute. Once this statutory duty is fulfilled, (1) general by-laws and amendments take effect on the date these posting and publishing requirements are satisfied unless a later effective date is prescribed in the by-law, and (2) zoning by-laws and amendments are deemed to have taken effect from the date they were approved by the Town Meeting, unless a later effective date is prescribed in the by-law.

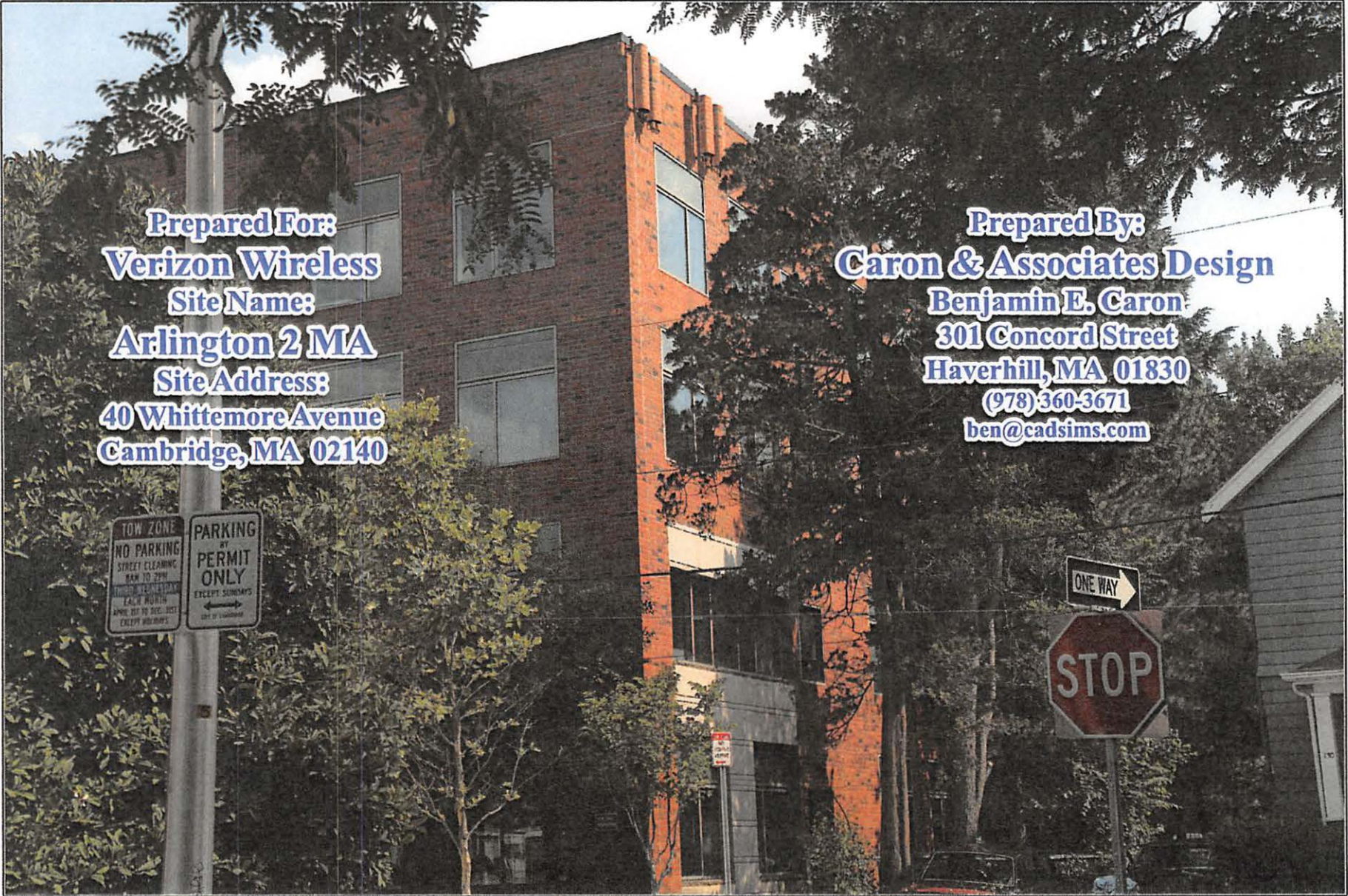
Very truly yours,

MAURA HEALEY
ATTORNEY GENERAL

Nicole B. Caprioli

By: Nicole B. Caprioli
Assistant Attorney General
Municipal Law Unit
10 Mechanic Street, Suite 301
Worcester, MA 01608
(508) 792-7600 ext. 4418
nicole.caprioli@state.ma.us

cc: Town Counsel Thomas Mullen



Prepared For:
Verizon Wireless
Site Name:
Arlington 2 MA
Site Address:
40 Whittemore Avenue
Cambridge, MA 02140

Prepared By:
Caron & Associates Design
Benjamin E. Caron
301 Concord Street
Haverhill, MA 01830
(978) 360-3671
ben@cadsims.com

For visual reference only. Actual visibility is dependent upon weather conditions, season, sunlight, and viewer location.
Based upon Rev1 AWS Dwgs by Dewberry dated: 7/11/2014 & Rev2 Antenna Design by VZW dated: 8/25/2015

Arlington 2 MA ~ (9/08/2016)
Photographic Renderings

Created By: Benjamin & Eric Caron
 **Caron & Associates Design**
(978) 360-3671 info@cadsims.com



For visual reference only. Actual visibility is dependent upon weather conditions, season, sunlight, and viewer location.

Based upon Rev1 AWS Dwg's
by Dewberry dated: 7/11/2014 & Rev2
Antenna Design by VZW dated: 8/25/2015

Arlington 2 MA ~ (9/08/2016)

Photo Location Map

Created By: Benjamin & Eric Caron

CAD Caron & Associates Design

(978) 360-3671 info@cadsim.com

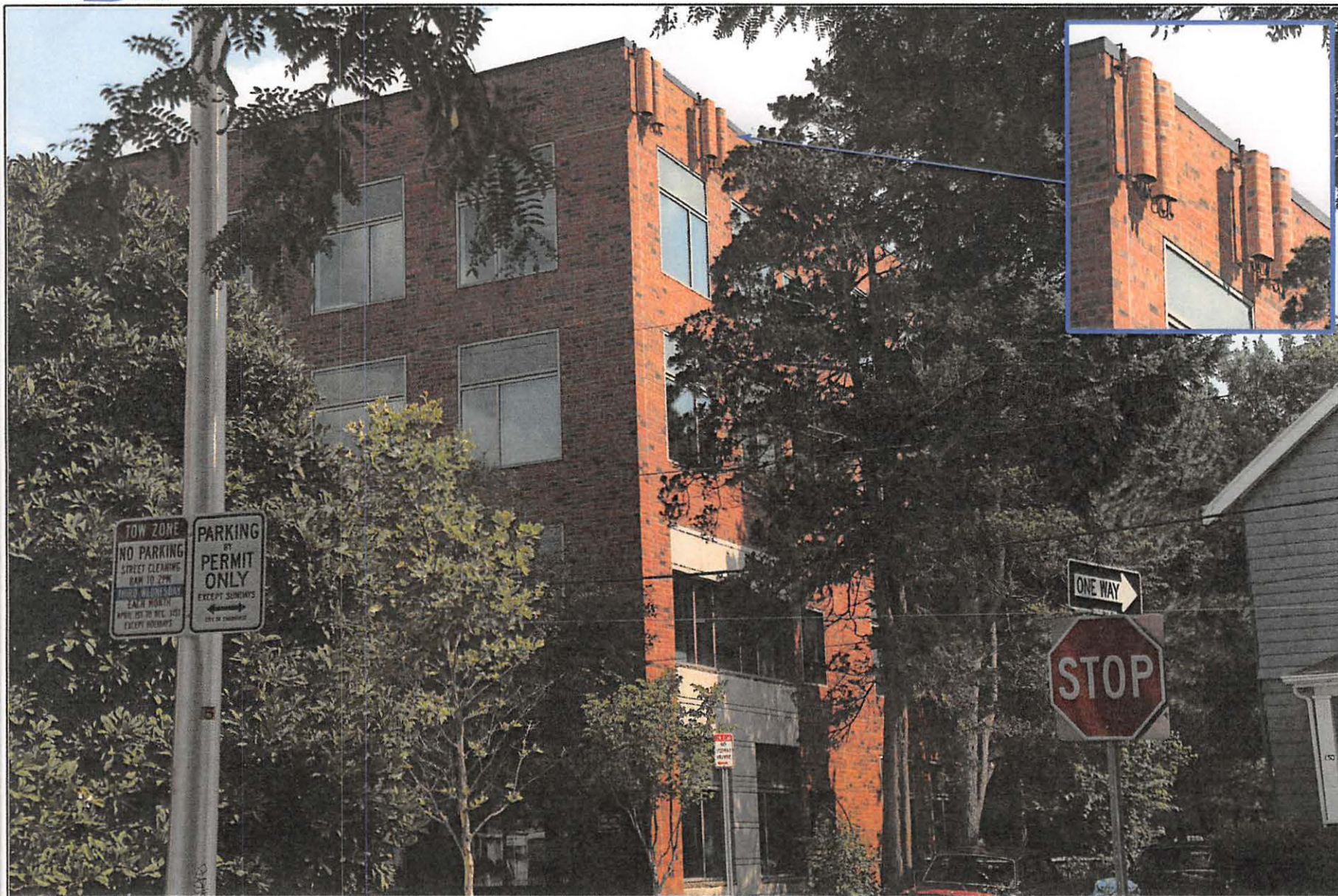


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Based upon Rev1 AWS Dwggs
by Dewberry dated: 7/11/2014 & Rev2
Antenna Design by VZW dated: 8/25/2015

Arlington 2 MA ~ (9/08/2016)
Photo Location A ~ 50mm ~ 115'+/- Away


Created By: Benjamin & Eric Caron
 Caron & Associates Design
(978) 360-3671 info@cadsim.com



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Antenna Design by VZW dated: 8/25/2015

Arlington 2 MA ~ (9/08/2016)
Photo Location B ~ 65mm ~ 243'+/- Away

Created By: Benjamin & Eric Caron
 Caron & Associates Design
(978) 360-3671 info@cadsim.com



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Based upon Rev1 AWS Dwg
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Arlington 2 MA ~ (9/08/2016)
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Based upon Rev1 AWS Dwg
by Dewberry dated: 7/11/2014 & Rev2
Antenna Design by VZW dated: 8/25/2015

Arlington 2 MA ~ (9/08/2016)
Photo Location C ~ 105mm ~ 351'+/- Away

Created By: Benjamin & Eric Caron
 Caron & Associates Design
(978) 360-3671 info@cad sims.com



For visual reference only. Actual visibility is dependent upon weather conditions, season, sunlight, and viewer location.

Based upon Rev1 AWS Dwg
by Dewberry dated: 7/11/2014 & Rev2
Antenna Design by VZW dated: 8/25/2015

Arlington 2 MA ~ (9/08/2016)
Photo Location C ~ 105mm ~ 351'+/- Away

Created By: Benjamin & Eric Caron
CAD Caron & Associates Design
(978) 360-3671 info@cadSIMS.com



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Antenna Design by VZW dated: 8/25/2015

Arlington 2 MA ~ (9/08/2016)
Photo Location D ~ 65mm ~ 243'+/- Away

Created By: Benjamin & Eric Caron
 Caron & Associates Design
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Antenna Design by VZW dated: 8/25/2015

Arlington 2 MA ~ (9/08/2016)
Photo Location D ~ 65mm ~ 243'+/- Away

Created By: Benjamin & Eric Caron
 Caron & Associates Design
(978) 360-3671 info@cadsim.com



Existing/Proposed antennas were not visible from this photo location due to intervening vegetation. Red outline shows relative location of proposed antenna modification.



For visual reference only. Actual visibility is dependent upon weather conditions, season, sunlight, and viewer location.

Based upon Rev1 AWS Dwggs
by Devberry dated: 7/11/2014 & Rev2
Antenna Design by VZW dated: 8/25/2015

Arlington 2 MA ~ (9/08/2016)
Photo Location E ~ 50mm ~ 216'+/- Away

Created By: Benjamin & Eric Caron
 Caron & Associates Design
(978) 360-3671 info@cadsim.com



City of Cambridge

MASSACHUSETTS

BOARD OF ZONING APPEAL

831 Mass Avenue, Cambridge, MA 02139
(617) 349-6100

Recorded: 02/06/2003
Document: 00001592 Page: 1 of 3



Bk: 37927 Pg: 178

CASE NO: 8591

LOCATION: 1 Alewife Center - A/K/A-140 Whittemore Avenue
Cambridge, MA

PETITIONER: Verizon Wireless, C/o Alpine Advisory Services

PETITION: Special Permit: To erect telecommunications antenna, equipment and shelter, and generator.

VIOLATIONS: Art. 4.000, Sec. 4.32.G.1 (Telecommunications Special Permit).

DATE OF PUBLIC NOTICE: October 4, 2002 and October 11, 2002

DATE OF PUBLIC HEARING: October 24, 2002

MEMBERS OF THE BOARD:	THOMAS SIENIEWICZ - CHAIR	✓
	ARCH HORST	_____
	JOHN O'CONNELL	_____
	SUSAN SPURLOCK	✓
	KEEFE B. CLEMONS	_____

ASSOCIATE MEMBERS:	JENNIFER PINCK - VICE-CHAIR	✓
	MARC TRUANT	_____
	SUSAN CONNELLY	_____
	REBECCA TEPPER	_____
	<i>Brendan Sullivan</i>	✓
<i>Charles Pierce</i>	✓	

Members of the Board of Zoning Appeal heard testimony and viewed materials submitted regarding the above request for relief from the requirements of the Cambridge Zoning Ordinance. The Board is familiar with the location of the petitioner's property, the layout and other characteristics as well as the surrounding district.

OWNER: New Boston Alewife LP
Book 16537 Page 22

Case No. 8591
Location: 1 Alewife Center/40 Whittemore Avenue
Petitioner: Verizon Wireless, by John Moran

On November 21, 2002 Petitioner John Moran appeared before the Board of Zoning Appeal requesting a special permit to erect a telecommunications antenna, equipment and shelter, and a generator. The Petitioner submitted plans and photographs.

Mr. Moran stated that the proposal was to erect a camouflaged array in a non-residential zone. He stated that the site was properly licensed and that the array was needed to meet capacity in the neighborhood. He also stated that the site had a back up generator that would be tested weekly.

The Chair read a letter from the Planning Board as follows: The Planning Board reviewed the application for the Verizon installation at 1 Alewife Center dated September 17th, 2002, and found the installation to be in keeping with the regulations and standards in Section 4.40 footnotes. The Planning Board recommends that the Board of Zoning Appeal review the application to ensure that the installations match the finish of the existing building and that the cables be secured as tightly as possible.

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

After discussion, the Chair moved that the Board grant the special permit required for the installation and erection of telecommunications antennae, equipment and shelter, and a generator at 1 Alewife Center/140 Whittemore Avenue, based on the finding that the installation is in keeping with the architecture of the buildings and has been designed to have minimal visual impact, in particular, the penthouse will not be visible from the street and the antennae is painted to blend into the building, and on the further finding that the traffic generated and patterns of access will not be significantly changed by the installation. The Chair moved that the Board grant the special permit on the following conditions:

1. that the applicant has a valid federal and state license for the operation of such equipment,
2. that should the equipment be abandoned or the lease expire at this location, the equipment be removed from the surfaces of the building,
3. that the generator be tested only during work days between the hours of 9:00 am and 5:00 pm, and
4. that the generator will conform to the noise ordinances in the City of Cambridge.

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

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

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

The Board of Zoning Appeal is empowered to waive local zoning regulations only. This decision therefore does not relieve the petitioner in any way from the duty to comply with local ordinances and regulation of the other local agencies, including, but not limited to the Historical Commission, License Commission and/or compliance with requirements pursuant to the Building Code and other applicable codes.

Thomas Sieniewicz

Thomas Sieniewicz, Chair

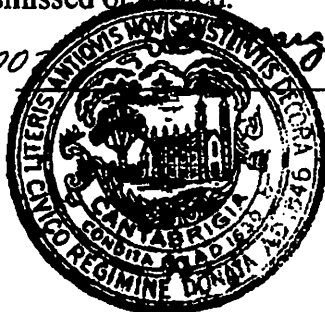
Attest: A true and correct copy of decision filed with the offices of the City Clerk and Planning Board on 1/10/03 by Maria Jackels, Clerk.

Twenty days have elapsed since the filing of this decision.

No appeal has been filed ✓

Appeal has been filed and dismissed or denied.

Date: January 31, 2003 Margaret Clurey City Clerk.



Certified Article Number

9314 7699 0430 0027 3995 42

SENDERS RECORD

*Via Certified Mail Return Receipt Requested
and Electronic Mail*

October 13, 2016

Ranjit Singanayagam
Commissioner, Inspectional Services
City of Cambridge
831 Massachusetts Avenue
Cambridge, MA 02139

Re: **Verizon Wireless – Eligible Facilities Request for Modification of existing Mobile Communications Facility located at 40 Whittemore Avenue (aka One Alewife Center) (Assessors Map 269, Lot 131)**

Dear Commissioner Singanayagam:

This letter is submitted on behalf of Bell Atlantic Mobile Corporation, Ltd. d/b/a Verizon Wireless (“Verizon Wireless”) in support of the request to modify Verizon Wireless’ existing building-mounted mobile communications facility located at One Alewife Center (the “Existing Facility”). The proposed modification, as depicted in the enclosed site plan, constitutes an “eligible facilities request” under Section 6409(a) of Title VI of the Middle Class Tax Relief and Job Creation Act of 2012, which is known as the “Spectrum Act.”¹ In accordance with the Spectrum Act, Verizon Wireless requests that your office approve this eligible facilities request without requiring further zoning approvals.

The Existing Facility was approved by the Board of Zoning Appeal by special permit in Case No. 8591, as filed in the office of the City Clerk on January 10, 2003 (the “BZA Decision”). A copy of the BZA Decision is attached as **Attachment 1**. Consistent with the BZA Decision, the Existing Facility consists of three sectors of four panel antennas (twelve in total) mounted on the façade of an existing four story, approximately 50 feet high, office building (“Building”). The Existing Facility also includes a rooftop equipment shelter, with appurtenant rooftop cabling and utility connections.

¹ The Spectrum Act is codified as 47 U.S.C. 1455(a).

Robinson+Cole

Eligible Facilities Request

Verizon Wireless

40 Whittemore Ave (One Alewife Center)

October 13, 2016

Page 2

Overview of Proposed Modification to the Existing Facility

The proposed modification to the Existing Facility is described below and depicted on Sheets A-1 through A-3 and C-1 of the plan set entitled “Verizon Wireless Arlington 2 MA, 40 Whittemore Ave, Cambridge, MA 02140 with a revision date of 9/29/16, prepared by Dewberry Engineers, Inc. (the “Site Plan”). A copy of the Site Plan is attached as **Attachment 2**.

- West façade of building (gamma sector) Four existing antennas on pipe mounts will be removed and replaced with four new antennas on pipe mounts. The antennas will be painted to match the building surface. Two remote radio heads (“RRH”) and a junction box will be placed on a ballast mount located behind and not extending above the existing parapet wall on the west side of the roof, and therefore will not be visible from the area surrounding the building.
- North façade of building (alpha sector): Four existing antennas on pipe mounts will be removed and replaced with four new antennas on pipe mounts. The antennas will be painted to match the building surface. Two RRHs and a junction box will be placed on a ballast mount located behind and not extending above the existing parapet wall in the northeast corner of the roof, and therefore will not be visible from the area surrounding the building.
- East façade of building (beta sector): Four existing antennas on pipe mounts will be removed and replaced with four new antennas on pipe mounts. The antennas will be painted to match the building surface. Two RRHs and a junction box will be placed on a ballast mount located behind and not extending above the existing parapet wall in the northeast corner of the roof, and therefore will not be visible from the area surrounding the building.

New cables connecting the RRH’s and equipment will be run in the existing cable tray on the roof.

The Proposed Modification Constitutes an Eligible Facilities Request Under the Spectrum Act

Under the Spectrum Act and the implementing regulations adopted by the Federal Communications Commission on January 8, 2015 (the “FCC Regulations”),² the proposed

² See 47 C.F.R. 1.40001 (Wireless Facility Modifications).

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modification to the Existing Facility constitutes an eligible facilities request that can and should be authorized by your office and should not require any zoning approvals from any City of Cambridge board or commission. The reasons for this are as explained below.

The Spectrum Act states, in pertinent part: “[n]otwithstanding section 704 of the Telecommunications Act of 1996³ or any other provision of law, a state or local government may not deny, and shall approve, any eligible facilities request for a modification of an existing wireless tower or base station that does not substantially change the physical dimensions of such tower or base station.”⁴ The rules for implementing this requirement of the Spectrum Act (i.e., the FCC Regulations) went into effect on April 8, 2015.

Pursuant to the FCC Regulations, an “eligible facilities request” means “any request for modification of an existing wireless tower or *base station* that does not *substantially change* the physical dimensions of such tower or base station, involving ... collocation of new *transmission equipment* ... or replacement of transmission equipment.”⁵ The FCC Regulations define “base station” to mean:

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

...

(iii) The term includes any structure other than a tower that, at the time the relevant application is filed with the State or local government under this section, supports or houses [equipment associated with wireless communications services] that has been reviewed and approved under the applicable zoning or siting process, or under another State or local regulatory review process, even if the structure was not built for the sole or primary purpose of providing such support.⁶

“Transmission equipment” is defined to include not only antennas but also all “equipment that facilitates transmission” for a FCC-licensed or authorized wireless communication service, including but not limited to “radio transceivers, antennas, coaxial or fiber-optic cable, and regular and backup power supply.”⁷

³ The Telecommunications Act of 1996 is codified as 47 U.S.C. § 332(c)(7).

⁴ 47 U.S.C. 1455(a)(1) (emphasis added).

⁵ 47 C.F.R. § 1.40001(b)(3) (emphasis added).

⁶ 47 C.F.R. § 1.40001(b)(1).

⁷ 47 C.F.R. § 1.40001(b)(8).

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The proposed modification to the Existing Facility is an “eligible facilities request” under the Spectrum Act because:

- (1) the existing building at 40 Whittemore Avenue that is the subject of this request constitutes a “base station” in that it currently “supports or houses” wireless communications equipment that has been reviewed and approved under the City’s zoning ordinance – namely, the existing Verizon Wireless installation, which was reviewed by the Board of Zoning Appeal in case number 8591 and approved by the BZA Decision;
- (2) the proposed replacement of existing antennas constitutes a “replacement of transmission equipment;”
- (3) the proposed addition of RRHs and junction boxes constitutes a “collocation of new transmission equipment;” and
- (4) the proposed modification does not “substantially change the physical dimensions” of the base station. The proposed modification does not constitute a “substantial change” as defined under the FCC Regulations because it:
 - (i) does not involve the installation of more than the standard number of equipment cabinets (*no equipment cabinets are being added*);
 - (ii) does not entail excavation or deployment outside of the current site (*all changes are taking place to the installation on the building itself*);
 - (iii) does not defeat the concealment elements of the Existing Facility (*As is the case with the existing antennas, the replacement antennas will be painted to match the building façade. The RRHs and junction boxes and the ballast mounts on which they are located will be behind and below the top of the existing parapet wall and therefore completely screened from view*).
 - (iv) does not increase the height of the building by more than 10% or ten feet (*there will be no increase in height*);

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(v) does not add any appurtenances that would protrude from the edge of the building by more than six feet (*new antennas and mounts will protrude no more than approximately two feet from the building façade*); and

(vi) complies with the conditions imposed by the BZA Decision (*the conditions imposed in the BZA Decision that would be relevant to this upgrade request are the finding that the “antennae is painted to blend into the building.” This condition is satisfied, in that the replacement antennas will also be painted to match the building. See Photosimulation study attached as Attachment 3.*⁸

Pursuant to Section 1.40001(c)(1) of the FCC Regulations, an applicant asserting that a request for modification is covered by the Spectrum Act may be required to submit “documentation or information only to the extent reasonably related to determining whether the request meets the requirements of [the Spectrum Act].” Section 1.40001(c)(1) further states that a state or local government “may not require an applicant to submit any other documentation, including but not limited to documentation intended to illustrate the need for such wireless facilities or to justify the business decision to modify such wireless facilities.”⁹

An Eligible Facilities Request should not require a special permit.

There is no legal basis to require Verizon Wireless to submit an application to modify the existing special permit in the BZA Decision in order to obtain approval of this eligible facility request. First, the federal statute itself states that a municipality “may not deny and shall approve” a qualifying eligible facilities request. 47 U.S.C. 1455(a)(1). Requiring that the party presenting an eligible facilities request submit to a zoning special permit process is inconsistent with the federal statute because the special permit process is one that allows a municipal board to exercise discretion in determining whether to grant relief.¹⁰ In contrast, the federal statute is clear that a municipality reviewing an eligible facilities request shall approve the request if it meets the standards of the statute. There is no provision for the exercise of discretion. It is well established under Massachusetts law that “a use allowed as of right cannot be made subject to the grant of a special permit inasmuch as the concepts of a use as of right and a use dependent on

⁸ See 47 C.F.R. § 1.40001(b)(7)(i)-(vi) (definition of “substantial change”).

⁹ 47 C.F.R. § 1.40001(c)(1) (emphasis added).

¹⁰ See *MacGibbon v. Board of Appeals*, 356 Mass.635, 638 (1970)(Special permit granting authority “is not compelled to grant the permit. It has discretionary power in acting thereon.”)

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discretion are mutually exclusive.”¹¹ Moreover, the Massachusetts Attorney General, in reviewing municipal bylaw amendments addressing wireless communications facilities, has interpreted Section 6409(a) as it relates to municipal zoning provisions and has ruled, repeatedly, that eligible facilities requests shall not be subject to a special permit process. As an example of the direction that the Attorney General’s Office has provided to municipalities on this issue, please see the enclosed letter dated July 28, 2014, addressed to the Town Clerk of Lynnfield, Massachusetts, in which the Attorney General’s Office rules that a special permit requirement “cannot be applied to eligible facilities requests for modification to existing facilities which qualify for required approval under Section 6409.” (**Attachment 4**) Please also see the enclosed letter dated February 17, 2015, addressed to the Town Clerk of Westwood, which provides similar direction regarding the interpretation of Section 6409(a). (**Attachment 5**).

Furthermore, as a matter of state and local law, the Board lacks authority under the Cambridge Zoning Ordinance to review eligible facilities requests through a special permit process. Even if federal and state law did permit local governments to require that eligible facilities requests be reviewed as a special permit, Cambridge has not undertaken any ordinance amendment empowering it to do so. Section 10.13 of the Zoning Ordinance specifies the powers and duties of the Board. As they relate to special permits, those powers are specifically “[t]o hear and decide applications for special permits upon which the Board is empowered to act under Section 10.30 of this Article.”¹² (emphasis added). Section 10.41 provides that special permits “may be granted [by] the Board of Zoning Appeal . . . as specified elsewhere in this Ordinance.” No provision of the Ordinance authorizes the Board to review modifications of existing wireless facilities that qualify as “eligible facilities requests” under Federal Law, let alone to do so through the special permit process. Moreover, the procedural and substantive standards set forth in the balance of Section 10.40 and in G.L. c. 40A are wholly inconsistent with the intent and substance of Section 6409(a) and its implementing regulations.

It also bears noting that more than four years after Congress adopted Section 6409(a) and eighteen months after the effective date of the FCC regulations¹³ addressing the standards for

¹¹ *Prudential Ins. Co. v. Board of Appeals*, 23 Mass. App. Ct. 278, 281 (1986), citing *SCIT, Inc. v. Planning Bd. of Braintree*, 19 Mass. App. Ct. 101 (1984).

¹² Zoning Ordinance Section 10.13(b). Section 10.30 of the Ordinance pertains only to Variances – presumably the intended reference is to Section 10.40, captioned “Special Permits.”

¹³ The regulations implementing Section 6409(a) were adopted by the Federal Communications Commission on January 8, 2015 and went into effect on April 8, 2015. See *Acceleration of Broadband Deployment by Improving Wireless Facilities Siting Policies*, 80 Fed. Reg. 1238 (Jan. 8, 2015) (codified at 47 C.F.R. 1.40001).

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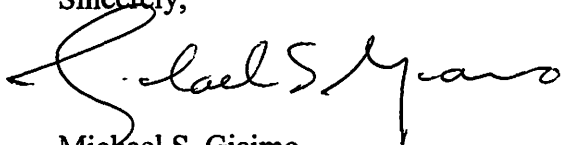
reviewing eligible facilities requests under Section 6409(a), the City of Cambridge has yet to adopt an ordinance or written policy concerning the submittal and review of eligible facilities requests. Under that circumstance, Verizon Wireless is logically and properly directing this request to the Commissioner of Inspectional Services as the City's chief building official.

Conclusion

The materials submitted in support of this eligible facilities request, including this letter, the enclosed Site Plan, and the BZA Decision, demonstrate that the proposed modification to the Existing Facility qualifies as an eligible facilities request under the Spectrum Act and the FCC Regulations. Therefore, Verizon Wireless respectfully requests that you approve this eligible facilities request without requiring an amendment to the BZA Decision or further zoning approvals by any City of Cambridge board or commission, subject to Verizon Wireless filing an application for a building permit with the appropriate fee and supporting documentation.

Please note that the Section 1.40001(c) of the FCC Regulations requires that a local government review and approve any request for a modification covered by the Spectrum Act within 60 days of the date on which the request is submitted. Please do not hesitate to contact me with any questions or to discuss this matter further. Thank you very much for your attention to this request.

Sincerely,



Michael S. Giaimo

Enclosures.

cc: Anne McGuinness, Vital Site Services

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Existing Antennas (H x W x D) in inches (1 of each per sector)	Proposed Replacement Antennas (H x W x D) in inches (1 of each per sector)
50.39 x 12.6 x 7.09	54.69 x 11.89 x 7.09
48.03 x 9.84 x 7.87	55 x 11.9 x 7.1
48.03 x 4.33 x 4.72	50.9 x 12 x 6.5
48.03 x 9.84 x 7.87	54.7 x 11.9 x 7.1



1
CITY OF CAMBRIDGE
INSPECTIONAL SERVICES DEPARTMENT 831 MASS. AVE.
CAMBRIDGE, MASSACHUSETTS 02139 (617) 349-6100

Ranjit Singanayagam
Commissioner

October 21, 2016

Michael S. Giaimo, Esq.
Robinson & Cole
One Boston Place, 25th Floor
Boston, MA 02108-4404

Re: Verizon Wireless-Request for Modification of Existing Mobile
Communications Facility Located at 40 Whittemore Avenue
(a/k/a One Alewife Center).

Dear Mr. Giaimo:

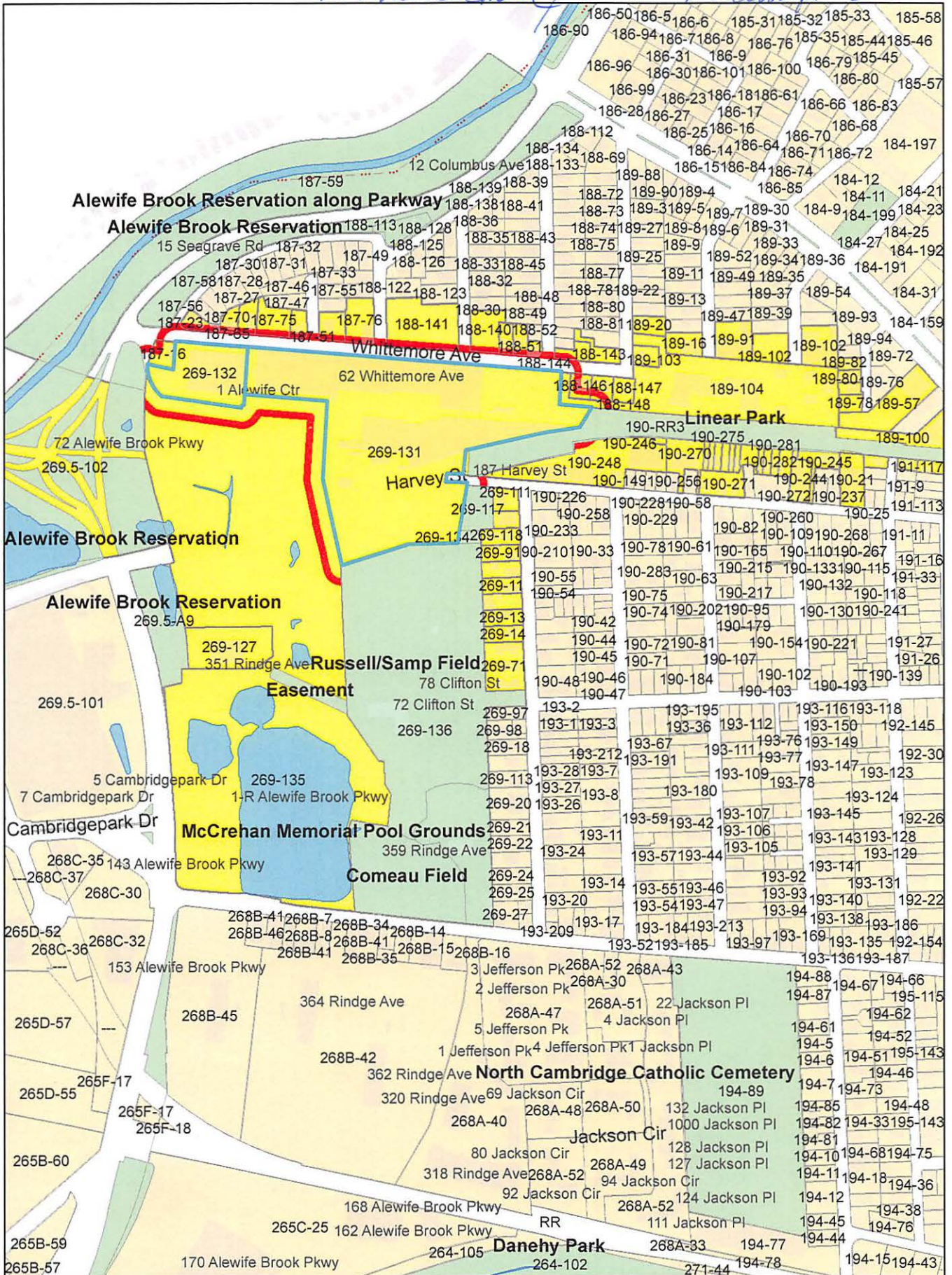
With respect to your letter related to 40 Whittemore Avenue in Cambridge, dated October 13, 2016, a new special permit is required. If you would like to proceed, please submit an application for a special permit as soon as practicable.

Very Truly Yours,

A handwritten signature in cursive script that reads "David Byrne".

David Byrne
Senior Building Inspector

40 Whittier Ave / A-K-A / Alewife Ch.



40 Whittemore Ave - A/K/A One Relief Ct.

197

Petitioner

50189-100
LU, CHI
2440 MASSACHUSETTS AVE., #1
CAMBRIDGE, MA 02139

189-100
ORCHANIAN, ZAREH & LORI M. ORCHANIAN
2440 MASS AVE., UNIT 15
CAMBRIDGE, MA 02140

ROBINSON & COLE
C/O MICHAEL S. GIAIMO
ONE BOSTON PLACE - 25TH FLOOR
BOSTON, MA 02108-4404

189-100
MARDIROS, ANAHID & AURELIAN MARDIROS
TRS. OF CAMBRIDGE POINT NOMINEE TRUST
C/O ANAHID MARDIROS
4 BRIDLE PATH
LYNNFIELD, MA 01940

189-100
RODRIGUEZ-ORELLANA, MANUEL &
MARIA D. PIZARRO-FIGUEROA
KK14 MIDDLE ST
SAN JUAN, PR 00926

CELLCO PARTNERSHIP
D/B/A VERIZON WIRELESS
ATTN: ELLEN DALMUS
400 FRIBERG PARKWAY
WESTBOROUGH, MA 01581

189-100
MALACARNE, DANIEL J.
2440 MASS AVE., UNIT #10
CAMBRIDGE, MA 02140

189-100
LEE, CHIAYING
2440 MASS AVE #9
CAMBRIDGE, MA 02140

189-100
WEI, HUNG CHIEH & CHUN MEI LIN
2440 MASSACHUSETTS AVE., #8
CAMBRIDGE, MA 02140

189-100
FOLEY, JOHN & CHERI MEHIGAN
2440 MASS AVE. UNIT#7
CAMBRIDGE, MA 02140

189-100
FODERA, GIUSEPPE
C/O ZHOU, DANLING
85 SUTHERLAND RD., #28
BRIGHTON, MA 02135

189-100
KRING, SHIRLEY ROSE
TR. OF SHIRLEY ROSE KRING REV LIV TRUST
26 WASHINGTONST
BEDFORD, MA 01730

189-100
WEINER, ROBERT
2440 MASS AVE #4
CAMBRIDGE, MA 02140

189-100
CAPANSKY, MARK A., JR & EILEEN L. MORRISON
2440 MASSACHUSETTS AVE., #3
CAMBRIDGE, MA 02140

189-100
ZATEZALO, ALEKSANDAR
2440 MASS AVE. UNIT#2
CAMBRIDGE, MA 02140

189-100
FODERA, FRANK, TRUSTEE OF 2440 MASSACHUSETTS
AVENUE REALTY TR.
C/O RS REALTY TRUST
P.O. BOX 281
SOMERVILLE, MA 02143

189-100
WU, YOU
2440 MASSACHUSETTS AVE., #41
CAMBRIDGE, MA 02140

189-100
ROSEN, ANDREW & ROBERT ROSEN
C/O LOH, WEN-LUAN
2440 MASSACHUSETTS AVE., #40
CAMBRIDGE, MA 02140

189-100
ROBINSON, GREGORY E.
2440 MASSACHUSETTS AVE 39
CAMBRIDGE, MA 02140

189-100
TALREJA, TINA
2440 MASS AVE #38
CAMBRIDGE, MA 02140

189-100
#37-2440 MASS AVE LLC
60 POSSUM RD
WESTON, MA 02493

189-100
WHITE, CAROLE ANN
2440 MASSACHUSETTS AVE., #36
CAMBRIDGE, MA 02140

189-100
CAMBRIDGE POINT NOMINEE TRUST
C/O ANAHID HARDIROS
4 BRIDLE PATH
LYNNFIELD, MA 01940

189-100
AUNG, SANDA S.,
TRUSTEE THE SANDA S. AUNG TRUST OF 2011
2440 MASSACHUSETTS AVE., #34
CAMBRIDGE, MA 02140

189-100
JAFAR, TAZEEN
5762 WELLS LANE
SAN RAMON, CA 94582

189-100
AFEWORK, ZEMENE & MISRAK GANDI
2440 MASS AVE., UNIT #32
CAMBRIDGE, MA 02140

189-100
MARDIROS, ANAHID & AURELIAN MARDIROS
TRUSTEES OF CAMBRIDGE POINT NOMINEE TR.
C/O ANAHID HARDIROS
4 BRIDLE PATH
LYNNFIELD, MA 01940

189-100
YONREN, SAMUEL
2440 MASSACHUSETTS AVE., #30
CAMBRIDGE, MA 02140

189-100
RIBEIRO, NATALIE J.
2440 MASS AVE, #29
CAMBRIDGE, MA 02140

189-100
YADAV, SANJAY KUMAR
2440 MASS AVE. UNIT#28
CAMBRIDGE, MA 02140

189-100
VITALE, ELIZABETH
2440 MASSACHUSETTS AVE., #27
CAMBRIDGE, MA 02140

189-100
JAS HOMEOWNERSHIP LLC
C/O JUST A START CORPORATION
1035 CAMBRIDGE ST., #12
CAMBRIDGE, MA 02141

189-100
MURRIHY, BRIAN
TRUSTEE OF BM REALTY TRUST
2440 MASS AVE. UNIT#25
CAMBRIDGE, MA 02140

189-100
PAINE, JILLIAN
2440 MASS AVE. UNIT#24
CAMBRIDGE, MA 02140

189-100
LAMBROPOULOS, JAMES
2440 MASS AVE. UNIT#23
CAMBRIDGE, MA 02140

189-100
CAMBRIDGE POINT NOMINEE TRUST
C/O ANAHID HARDIROS
4 BRIDLE PATH
LYNNFIELD, MA 01940

189-100
LEE, PETER W. & DEWIE TAM
C/O GOMERA, LUISA
2440 MASSACHUSETTS AVE., #21
CAMBRIDGE, MA 02140

189-100
TAKANASHI, TOMOKO
2440 MASSACHUSETTS AVE., #20
CAMBRIDGE, MA 02140

189-100
FOX, COREY A.
68 SHEFFIELD LANE
FLORENCE, MA 01062

189-100
CHUKIU, PAUL
2440 MASSACHUSETTS AVE, #18
CAMBRIDGE, MA 02140

189-100
MANSHARAMANI, NARESH &
SHALINI MANSHARAMANI, TRS
338 TITICUT ROAD
RAYNHAM, MA 02767

189-100
TANG, SHIU YUEN & YUAN CHAN ZHAO
2440 MASS AVE., UNIT #16
CAMBRIDGE, MA 02139

269-9
BROMFIELD, RUSSELL A.
118 CLIFTON ST
CAMBRIDGE, MA 02140

269-10
CLEMENTE, RAFAEL & CATHERINE M. CLEMENTE
112-114 CLIFTON ST
CAMBRIDGE, MA 02140

269-11
TSALAH, MOSHE & KAREN MACCABE TSALAH
110 CLIFTON ST
CAMBRIDGE, MA 02140

269-12
PLOSINSKI, VICTOR L. & SUSAN M. PLOSINSKI
104 CLIFTON ST
CAMBRIDGE, MA 02140

269-13
BELDING, WALTER H.
98-100 CLIFTON ST., #98
CAMBRIDGE, MA 02140

269-13
CUMBERBATCH, JOHN O. &
SHARON M. CUMBERBATCH
100 CLIFTON ST., #100
CAMBRIDGE, MA 02140

269-14
GOODWIN, HANNAH R., JOEL NOGIC, DAVID E.
LOWE & KATHRYN A. EHRESMAN
92-94 CLIFTON STREET
CAMBRIDGE, MA 02140

189-100
SACCOMANDI, FRANCIS J., IV
163 MORRISON AVE. APT 2
SOMERVILLE, MA 02144

269-111
MARTINEZ, GINA
77 LIBERTY AVE
SOMERVILLE, MA 02143

269-112
CAPITAL REAL ESTATE, LLC.
310 HIGHLAND AVE.
SOMERVILLE, MA 02144

269-117-127/190-246
MASSACHUSETTS BAY TRANSPORTATION
AUTHORITY
10 PARK PLAZA
BOSTON, MA 02116

187-70
CAMBRIDGE HOUSING AUTHORITY
675 MASSACHUSETTS AVE
CAMBRIDGE, MA 02139

269-131 /187-75-76/188-140-141
W. R. GRACE & CO.
C/O GCP APPLIED TECHNOLOGIES INC
7500 GRACE DR
COLUMBIA, MD 21044

269-132
JCC ONE ALEWIFE PARKWAY LLC C/O COLONY
REALTY PARTNERS
TWO INTERNATIONAL PLACE
BOSTON, MA 02110

269-135
ALEWIFE LAND CORPORATION
C/O GCP APPLIED TECHNOLOGIES INC
7500 GRACE DR
COLUMBIA, MD 21044

187-16
MINARD, CHRISTINE, THERESA HARRIS &
JOHN WALKER
4509 QUIET BROOK COUNT
CHANTILLY, VA 20151

187-23
OCONNOR, DAVID G.
29 SEAGRAVE RD
CAMBRIDGE, MA 02140

187-50
KIPP, AMY K.
111 WHITTEMORE AVE
CAMBRIDGE, MA 02140

187-51
RAEBURN, KENNETH G.
4 KASSUL PK
CAMBRIDGE, MA 02140

187-59 /188-113
MASSACHUSETTS COMMONWEALTH OF
STATE HOUSE
BOSTON, MA 02133

187-65
LYNOTT, THOMAS
131 WHITTEMORE AVE
CAMBRIDGE, MA 02139

269-136-134
CITY OF CAMBRIDGE
C/O LOUIS A. DePASQUALE
CITY MANAGER

269-136
CAMBRIDGE CITY OF RECREATION DEPT
51 INMAN ST
CAMBRIDGE, MA 02139

269-136-134
CITY OF CAMBRIDGE
C/O NANCY GLOWA
CITY SOLICITOR

188-51
MELIN, ROLAND F. & DOROTHY A MELIN
45 WHITTEMORE AVE
CAMBRIDGE, MA 02140

188-52
MORGAN, JOHN G. &
SANDRA M. MORGAN, LIFE ESTATE
49 WHITTEMORE AVE.
CAMBRIDGE, MA 02140

188-144-143
TANGO PROPERTIES, LLC
82 MAIN ST
KINGSTON, MA 02364

269-71
KHALID, MUHAMMAD & FARAH ZAFFAR
80 CLIFTON ST
CAMBRIDGE, MA 02139

269-71
CUNNINGHAM, DREW & STACEY CUNNINGHAM
82 CLIFTON ST
CAMBRIDGE, MA 02140

188-135
STANITSAS, DIONISIOS, EKATERINI STANITSA
LIFE ESTATE & GERASIMOS STANITSAS
58 MADISON AVE
CAMBRIDGE, MA 02140

269-71
RIEDEL, TIMOTHY K. & KELLY CUNNING RIEDEL
84 CLIFTON ST
CAMBRIDGE, MA 02139

269-71
CORSELLO, STEVEN M. & ALICE T. CORSELLO
86 CLIFTON ST.
CAMBRIDGE, MA 02140

189-16
COMMONWEALTH GAS COMPANY
C/O NSTAR SERVICES CO.
PROPERTY TAX DEPT.
P.O. BOX 270
HARTFORD, CT 06141

189-20
GIBBONS, THOMAS F. &
FLORENCE M. GIBBONS A LIFE ESTATE
56 MAGOUN ST
CAMBRIDGE, MA 02140

189-57
DONG WOOK KIM,
TRUSTEE OF 2464 MASS AVE REALTY TRUST
C/O INVESTMENTS LIMITED
215 N. FEDERAL HIGHWAY
BOCA RATON, FL 33432

189-78
TYLER COURT LIMITED PARTNERSHIP
82 MAIN ST.
KINGSTON, MA 02364

189-79
REED, LUCILLE MARIE
TRUSTEE OF LUCILLE M. REED REVOCABLE TR.
5449W. 145TH TERRACE
LEAWOOD, KS 66224

189-80
ZHENG, YIMING & ZHAN ZHAN
19 EDMUNDS ST
CAMBRIDGE, MA 02140

189-104
TYLER COURT LIMITED PARTNERSHIP
82 MAIN ST.
KINGSTON, MA 02364

190-21
ZOULIAS, ZACHARY C. & BRIANNA S. BROTHERS
69 HARVEY ST., #1
CAMBRIDGE, MA 02140

190-21
YANOVSKY, ILYA
53 FELLSMERE RD.
NEWTON, MA 02459

190-21
MIARA, LINCOLN J. & MARIA MIARA
69 HARVEY ST., #3
CAMBRIDGE, MA 02140

190-21
MAYER, JOHN R. & LISA M. LAVOIE
69 HARVEY ST., UNIT #4
CAMBRIDGE, MA 02140

190-21
SCHATTNER, EZRA & CAROLINE SCHATTNER
69 HARVEY ST, #5
CAMBRIDGE, MA 02140

190-21
KIM, OAK K.
69 HARVEY ST. UNIT#6
CAMBRIDGE, MA 02140

190-21
YANCO, LESLIE A.
69 HARVEY ST. #7
CAMBRIDGE, MA 02140

190-21
RUBINGER, BRUCE
47 CABOT ST
NEWTON, MA 02458

190-21
SERGEL, ROBERT
69 HARVEY ST., UNIT #9
CAMBRIDGE, MA 02140

190-21
SCOTT, EMILY
69 HARVEY ST., UNIT #10
CAMBRIDGE, MA 02140

190-21
DUFF, STEVEN & YULING DUFF
32 VILLAGE VIEW ROAD
WESTFORD, MA 01886

190-21
CALLAHAN, AILEEN L.
69 HARVEY ST., #12
CAMBRIDGE, MA 02140

190-21
MAGNAY, PHILLIP J.
69 HARVEY ST. UNIT#14
CAMBRIDGE, MA 02140

190-21
RUBINGER, BENJAMIN I.
69 HARVEY ST., UNIT #15
CAMBRIDGE, MA 02140

190-21
DEMAI, STEPHEN
69 HARVEY ST., # 16
CAMBRIDGE, MA 02140

190-21
SAUNDERS, MARC &
KATHRYN D. EASON-SAUNDERS
69 HARVEY ST #17
CAMBRIDGE, MA 02140

190-22
NELSON, KERRIE P.
9 WESTLEY AVE
CAMBRIDGE, MA 02140

190-244
O'SHEA, MICHAEL & LINDA MCJANNET TRUSTEE
OF THE 95 HARVEY STREET TR.
95 HARVEY ST
CAMBRIDGE, MA 02140

190-245
SBCDHC, LLC.
91 HARVEY ST
CAMBRIDGE, MA 02139

269-71
WHITEMAN, CHARLES A. &
ALISSA K. WHITEMAN
88 CLIFTON ST
CAMBRIDGE, MA 02140

190-248
PFEFFER, AVROM & DEBRA GELBER
171 HARVEY ST., UNIT #171
CAMBRIDGE, MA 02140

190-248
ORZACK, STEVEN & ARIANE CHERBULIEZ
173 HARVEY ST., UNIT #173
CAMBRIDGE, MA 02140

190-248
ECCLES, KATHLEEN M. &
JACQUELINE TRUESDALE
177 HARVEY ST
CAMBRIDGE, MA 02140

190-248
GOUDVIS, PATRICIA
179 HARVEY ST., UNIT #179
CAMBRIDGE, MA 02140

190-248
BRECK, ERIC L. & EMILY L. BRECK
181 HARVEY ST
CAMBRIDGE, MA 02140

190-248
DINGLE, PATRICK & YU-TING DINGLE
183 HARVEY ST., #183
CAMBRIDGE, MA 02140

190-248
PASCHALL, STEPHEN C, II &
MELISSA A.PASCHALL
171-195 HARVEY ST., #185
CAMBRIDGE, MA 02140

190-248
DONALDSON, SUSAN R.,
TRUSTEE THE SUSAN R. DONALDSON TRUST
187 HARVEY ST.
CAMBRIDGE, MA 02140

190-248
SHABRY, JUDITH & DEREK LICHTER
189 HARVEY STREET, UNIT 189
CAMBRIDGE, MA 02140

190-248
ADLER, JUDITH S.,
TRUSTEE THE JUDITH ADLER FAMILY TRS
175 HARVEY ST., UNIT #175/1
CAMBRIDGE, MA 02140

190-248
GERMANOTTA, MERIBETH H. LIFE ESTATE
171-195 HARVEY ST., #175/2
CAMBRIDGE, MA 02140

190-248
175 HARVEY HOME, LLC
C/O JANET INNES
175 HARVEY ST., #3
CAMBRIDGE, MA 02140

190-248
SERWECINSKI, JOHN R.
175-4 HARVEY ST
CAMBRIDGE, MA 02140

190-248
DOWDS, R. PHILIP & SUSAN J. DOWDS
175 HARVEY ST., UNIT #175/5
CAMBRIDGE, MA 02140

190-248
EHRESMAN, JOHN P.
175 HARVEY ST. UNIT#6
CAMBRIDGE, MA 02140

190-248
AGATE, CAROL,
TRUSTEE THE CAROL AGATE LIV TRUST
175 HARVEY ST., #7
CAMBRIDGE, MA 02140

190-248
LOCKE, ELIZABETH B.
175 HARVEY ST., UNIT #8
CAMBRIDGE, MA 02140

190-248
ARNOTT, MICHAEL & MARY LOUISE WHITE
175 HARVEY ST., UNIT #9
CAMBRIDGE, MA 02140

190-248
LEIGH, ROBERT E & MABEL K. LIANG
175 HARVEY ST., UNIT #10
CAMBRIDGE, MA 02140

190-248
MAISELS, MICHAEL JEFFREY &
CAROL Y. MAISELS
1933 LONE PINE ROAD
BLOOMFIELD HILLS, MI 48302

190-248
KIM, SUNGWOO & MOONSOOK KIM
175 HARVEY ST., UNIT #12
CAMBRIDGE, MA 02140

190-248
MAYS, MILDRED J. & MARJORIE AGATE
175 HARVEY ST., #13
CAMBRIDGE, MA 02140

190-248
PAN, SERGIY & ALLA KARASOVA
195 HARVEY ST., UNIT #1
CAMBRIDGE, MA 02140

190-248
FOLSOM, INEZ D.
195 HARVEY ST., #2
CAMBRIDGE, MA 02140

190-248
EISENSTARK, JANE A.
195 HARVEY STREET, UNIT #195/3
CAMBRIDGE, MA 02140

190-248
BREWER, JUDITH
195 HARVEY ST., UNIT #195/4
CAMBRIDGE, MA 02140

190-248
FORD, MARY ELIZABETH
195 HARVEY ST., UNIT #5
CAMBRIDGE, MA 02140

190-248
HOLLANDER, CHARLES & JANET HOLLANDER
195 HARVEY ST., #195/6
CAMBRIDGE, MA 02140

190-248
SCHELL, SUZANNA D.
195 HARVEY ST., UNIT #7
CAMBRIDGE, MA 02140

190-248
SEO, KWANG YOUNG & EUN SUP RYU
195 HARVEY ST. UNIT#8
CAMBRIDGE, MA 02139

190-248
SCHELL, SHIRLEY H.
195 HARVEY ST., UNIT #9
CAMBRIDGE, MA 02140

190-248
MATTHAEI, JULIE
195 HARVEY ST., UNIT #195/10
CAMBRIDGE, MA 02140

191-1
RURA, SHIMON & NICOLE K. GIESE RURA
10 WESTLEY AVE
CAMBRIDGE, MA 02140

191-4
EUGENE F. LYNCH POST 30 &
CITY OF CAMBRIDGE TAX TITLE
1 CEDAR ST
CAMBRIDGE, MA 02140

191-110
CASCAP REALTY, INC
231 SOMERVILLE AVE
SOMERVILLE, MA 02143

191-117
PANEPINTO, JOSEPH &
KAORI HATTORI DE PANEPINTO
45 HARVEY ST
CAMBRIDGE, MA 02140

269.5-102
MASSACHUSETTS COMMONWEALTH OF
STATE HOUSE
MBTA PARK GARAGE
BOSTON, MA 02133

189-81
GROSS, DAVID S. & SUSAN GROSS
15 EDMUNDS ST., # A
CAMBRIDGE, MA 02140

189-81
SAMLAN, YONATAN & NOA SAMLAN
15 EDMUNDS ST., #B
CAMBRIDGE, MA 02140

189-102
HUSEBO, AIMEE
22 COTTAGE PARK AVE 1
CAMBRIDGE, MA 02140

189-102
DREW, NEAL H. & SHARA M. DREW
22-27 COTTAGE PARK AVE., #16
CAMBRIDGE, MA 02140

189-102
KNUDSEN, ROSA M.
22 COTTAGE PARK AVE., #15
CAMBRIDGE, MA 02140

189-102
SHAH, ANUJ A. HEATHER L. MACDONALD
22 COTTAGE PARK AVE., #14
CAMBRIDGE, MA 02140

189-102
DE LANTSHEERE, CHARLES A. &
TONI LEE DE LANTSHEERE, TRUSTEES
65 SPARKS STREET
CAMBRIDGE, MA 02138

189-102
PRATT, PHILIP G.,
TRUSTEE KATHLEEN J. SKINNER, TRUSTEE
22 COTTAGE PARK AVE., #12
CAMBRIDGE, MA 02140

189-102
GOLDMAN, JAY R. & ANNE I. GOLDMAN
22 COTTAGE PARK AVE., #11
CAMBRIDGE, MA 02140

189-102
DOWD, REBECCA A. & MARK A. MORRISON
22-27 COTTAGE PARK AVE., #10
CAMBRIDGE, MA 02140

189-102
ARANY, FRANK C. & COLETTE DE BROUWER
22-27 COTTAGE PARK AVE., #9
CAMBRIDGE, MA 02140

189-102
JOHNSON, ROBERT M.
22-27 COTTAGE PARK AVE., #8
CAMBRIDGE, MA 02140

189-102
YU, YENYEN
22 COTTAGE PARK AVE., #7
CAMBRIDGE, MA 02140

189-102
ROCKAWAY PARKWAY LLC
9545 HARDING AVE
BAL HARBOUR, FL 33154

189-102
OHANYAN, ARTUR & MARGARIT GEVORGYAN
22-27 COTTAGE PARK AVE #5
CAMBRIDGE, MA 02140

189-102
AUBANEL, ROMAIN & JULIE BATTILANA
22-27 COTTAGE PARK AVE., #4
CAMBRIDGE, MA 02140

189-102
GAMMILL, JAMES F. & SUSAN H. ALEXNDER,
TRUSTEES, THE SUSAN H. ALEXANDER TRS
19 DORSET RD.
BELMONT, MA 02478

189-102
MILLER, NEIL G.
22-27 COTTAGE PARK AVE., #2
CAMBRIDGE, MA 02140

190-273
KAHSAY, ESTIFANOS B.
133 HARVEY ST
CAMBRIDGE, MA 02140

190-274
DONNARUMMO, TINA & TIMOTHY ALEONG
131 HARVEY ST
CAMBRIDGE, MA 02140

190-270
DING, HAOCHUAN & MENGING DU
10 MELLEEN ST., #1
CAMBRIDGE, MA 02138

190-270
VICARY, CHRISTOPHER THOMAS &
NATALIE PAIGE VICARY
141 HARVEY ST. UNIT 3
CAMBRIDGE, MA 02140

190-270
HANKS, SUSAN
141 HARVEY ST. UNIT 2
CAMBRIDGE, MA 02140

190-271
RYAN, TAMARA
117 HARVEY ST
CAMBRIDGE, MA 02140

190-271
GROBLESKI, TIMOTHY & GREGORY W. BOWE
135 HARVEY ST #4
CAMBRIDGE, MA 02140

190-271
ZHANG, ZHENGJIAO
C/O TAPIA, ABEEZER & AMENA ZAERY-TAPIA
127 HARVEY ST
CAMBRIDGE, MA 02140

190-271
BATESON, REGINA ANNE & VIVEK
KRISHNAMURT C/O WESLEY, CHARLES TODD &
125 HARVEY ST
CAMBRIDGE, MA 02140

190-275
BENTLEY, NICHOLAS & DANA BENTLEY
129 HARVEY ST
CAMBRIDGE, MA 02140

190-276
CHAMBERS, JEREMY F. & NAOKO CHAMBERS
123 HARVEY ST
CAMBRIDGE, MA 02140

190-277
WOODS, DENNIS J. & JODIE L. YU
121 HARVEY ST
CAMBRIDGE, MA 02140

190-278
AUSTIN, MATTHEW & HANGJUE LI
119 HARVEY ST
CAMBRIDGE, MA 02140

190-279
MASSARO, PAUL J. & KAREN MASSARO
C/O MULKI, JAY & MYRA MULKI
107 HARVEY ST
CAMBRIDGE, MA 02140

190-280
WANG, CHIBING BEN & ZAOXIN TRACY REN
105 HARVEY ST
CAMBRIDGE, MA 02140

190-281
SHAFATAIAN, REZA & URSULA M. BOSCHERT
SHAFATAIAN
103 HARVEY ST
CAMBRIDGE, MA 02140

190-282
CHERRINGTON, STEPHEN W. & SARAH M.
CHERRINGTON
101 HARVEY ST
CAMBRIDGE, MA 02140

189-103
TANGO PROPERTIES LLC
82 MAIN ST.
KINGSTON, MA 02364

188-146
GUAN, CHUNHUA & GUANYUE ZOU
30-32 WHITTEMORE AVE., #30
CAMBRIDGE, MA 02140

188-146
KERR, DOUGHLAS A.
30-32 WHITTEMORE AVE., #32
CAMBRIDGE, MA 02140

188-147
ATWOOD, JEREMIAH W. &
ELIZABETH N. ATWOOD
24-26 WHITTEMORE AVE. UNIT 24
CAMBRIDGE, MA 02141

188-147
LAMBERT, HENDRICK C.
24-26 WHITTEMORE AVE., #26
CAMBRIDGE, MA 02140

188-148
DANILA, JAMES & MICHELLE DANILA
18-20 WHITTEMORE AVE. UNIT 18
CAMBRIDGE, MA 02140

188-148
FEISS, PAUL J.
21 SHEFFIELD RD
WINCHESTER, MA 01890

269-118
KOLKOWITZ, DAN K. & LEAH S. FREI
122 CLIFTON ST., #122A
CAMBRIDGE, MA 02140

269-118
ZODY, MICHAEL C.
122 CLIFTON ST., #122B
CAMBRIDGE, MA 02140

269-71
GADDAM, PREETHAM & SHARVARI GUJJA
78 CLIFTON ST
CAMBRIDGE, MA 02140

189-91
BARTON, CHRISTOPHER P.
36-48 BROOKFORD ST., UNIT #1
CAMBRIDGE, MA 02140

189-91
HASSETT, GREGORY, TRUSTEE THE GREGORY
HASSETT TRUST
36-48 BROOKFORD ST., #5
CAMBRIDGE, MA 02140

189-91
WEILL, PETER
36-48 BROOKFORD ST., #4
CAMBRIDGE, MA 02140

189-91
PERRY, ALFRED R. & LYNN D'AMBROSE PERRY
40 BROOKFORD ST. UNIT#3
CAMBRIDGE, MA 02140

189-91
SUAREZ, JEFFREY R. & YUMI Y. SUAREZ
36-48 BROOKFORD ST., #2
CAMBRIDGE, MA 02140

269-71
PETERSON, MICHAEL & MAUREEN PETERSON
76 CLIFTON ST
CAMBRIDGE, MA 02140

189-100
MARYASH, YEVGENIYA
2440 MASSACHUSETTS AVE., # 11
CAMBRIDGE, MA 02140