

BZA APPLICATION FORM

GENERAL INFORMATION

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

Special Permit: X Variance:

2019 NOV -1 AM 11:01
OFFICE OF THE CITY CLERK
CAMBRIDGE, MASSACHUSETTS

PETITIONER: Cellco Partnership, d/b/a Verizon Wireless

PETITIONER'S ADDRESS: 118 Flanders Road, Westborough, MA

LOCATION OF PROPERTY: 599 and 605 Massachusetts Avenue, 2-12 Essex Street

TYPE OF OCCUPANCY: Retail/Office ZONING DISTRICT: Business B; Central SQ Overlay

REASON FOR PETITION:

<u> </u> Additions	<u> </u> New Structure
<u> </u> Change in Use/Occupancy	<u> </u> Parking
<u> </u> Conversion to Addi'l Dwelling Unit's	<u> </u> Sign
<u> </u> Dormer	<u> </u> Subdivision
<u> X </u> Other: <u>Mobile Communication Facility (upgrade)</u>	

DESCRIPTION OF PETITIONER'S PROPOSAL:

Upgrade the existing mobile communications facility by replacing all of the four panel antennas in each of the antenna arrays (12 antennas total will be replaced) and installing two remote radio heads and two junction boxes per sector. Verizon also proposes to relocate the existing Alpha sector antennas.

For a more detailed description of the proposed facility upgrade, see the attached Statement and Site Plan.

SECTIONS OF ZONING ORDINANCE CITED:

Article <u> 4 </u>	Section <u>4.32(g)(1) and footnote 49 (Section 4.40.49)</u>
Article <u> 10 </u>	Section <u>10.40 through 10.46</u>
Article <u> </u>	Section <u>6409 of the Federal Spectrum Act</u>

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):

Timothy C. Twardowski
(Petitioner(s)/Owner)
* Timothy C. Twardowski, attorney for Cellco Partnership
d/b/a/ Verizon Wireless
(Print Name)

Address: Verizon Wireless
118 Flanders Road
Westborough, MA 01581

Tel. No.: (508) 330-3800

E-Mail Address: ttwardowski@rc.com

Date: 10-31-19

* Robinson & Cole LLP
One Boston Place, 25th Floor, Boston, MA 02108
(617) 557-5965

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 Morris N. Naggar _____
(OWNER)


Address: 585 MASS AVE CAMBRIDGE MA 02139

State that I/We own the property located at _____,
which is the subject of this zoning application.

The record title of this property is in the name of _____

*Pursuant to a deed of duly recorded in the date _____, Middlesex South
County Registry of Deeds at Book _____, Page _____; or
Middlesex Registry District of Land Court, Certificate No. _____

Book _____ Page _____.



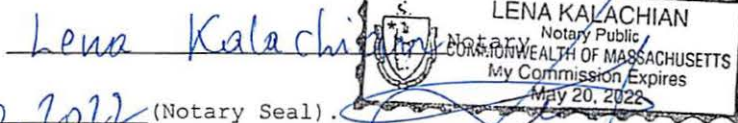
SIGNATURE BY LAND OWNER OR
AUTHORIZED TRUSTEE, OFFICER OR AGENT*

*Written evidence of Agent's standing to represent petitioner may be requested.

Commonwealth of Massachusetts, County of Middlesex

The above-name Morris Naggar personally appeared before me,
this 26 of June, 2019, and made oath that the above statement is true.

My commission expires May 20, 2022 (Notary Seal).



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

BZA APPLICATION FORM

SUPPORTING STATEMENT FOR A SPECIAL PERMIT

Please describe in complete detail how you meet each of the following criteria referring to the property and proposed changes or uses which are requested in your application. Attach sheets with additional information for special permits which have additional criteria, e.g.; fast food permits, comprehensive permits, etc., which must be met.

599 and 605 Massachusetts Avenue

Granting the Special Permit requested for 2- 12 Essex Street (location) would not be a detriment to the public interest because:

- A)** Requirements of the Ordinance can or will be met for the following reasons:

As demonstrated by the documents and information provided with this application, and as will be further demonstrated at the hearing on this matter, the upgraded facility meets the requirements of the Zoning Ordinance for the facilities serving mobile communications systems.

- 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 upgraded facility will not change existing traffic demand or affect ingress or egress. The facility will continue to generate only about one to two vehicle trips per month by a standard passenger vehicle during normal business hours for routine maintenance.

- 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 upgraded facility will have no adverse effects on the operation or development of adjacent uses. The upgraded facility will emit no light, odor, dust or glare and generates no unusual noise or other adverse impacts.

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

- 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 facility has been designed to minimize its visual impact and is in harmony with the general purpose of the Zoning Ordinance and will comply with its provisions.

BZA APPLICATION FORM

DIMENSIONAL INFORMATION

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

LOCATION: 599 and 605 Massachusetts Avenue, 2-12 Essex Street **ZONE:** Business B; Central SQ Overlay

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

		<u>EXISTING CONDITIONS</u>	<u>REQUESTED CONDITIONS</u>	<u>ORDINANCE REQUIREMENTS¹</u>	
<u>TOTAL GROSS FLOOR AREA:</u>		<u>NA</u>	<u>No change</u>	<u>NA</u>	(max.)
<u>LOT AREA:</u>		<u>NA</u>		<u>NA</u>	(min.)
<u>RATIO OF GROSS FLOOR AREA TO LOT AREA:²</u>		<u>NA</u>	<u>No change</u>	<u>NA</u>	(max.)
<u>LOT AREA FOR EACH DWELLING UNIT:</u>		<u>NA</u>	<u>No change</u>	<u>NA</u>	(min.)
<u>SIZE OF LOT:</u>	<u>WIDTH</u>	<u>NA</u>		<u>NA</u>	(min.)
	<u>DEPTH</u>				
<u>Setbacks in Feet:</u>	<u>FRONT</u>	<u>NA</u>	<u>No change</u>	<u>NA</u>	(min.)
	<u>REAR</u>	<u>NA</u>	<u>No change</u>	<u>NA</u>	(min.)
	<u>LEFT SIDE</u>	<u>NA</u>	<u>No change</u>	<u>NA</u>	(min.)
	<u>RIGHT SIDE</u>	<u>NA</u>	<u>No change</u>	<u>NA</u>	(min.)
<u>SIZE OF BLDG.:</u>	<u>HEIGHT</u>	<u>5 - Stories</u>	<u>No change</u>	<u>NA</u>	(max.)
	<u>LENGTH</u>				
	<u>WIDTH</u>				
<u>RATIO OF USABLE OPEN SPACE TO LOT AREA:³</u>		<u>NA</u>	<u>NA</u>	<u>NA</u>	(min.)
<u>NO. OF DWELLING UNITS:</u>		<u>NA</u>	<u>NA</u>	<u>NA</u>	(max.)
<u>NO. OF PARKING SPACES:</u>		<u>NA</u>	<u>NA</u>	<u>NA</u>	(min./max)
<u>NO. OF LOADING AREAS:</u>		<u>NA</u>	<u>NA</u>	<u>NA</u>	(min.)
<u>DISTANCE TO NEAREST BLDG. ON SAME LOT:</u>		<u>NA</u>	<u>No change</u>	<u>NA</u>	(min.)

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

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'.

BZA APPLICATION FORM

GENERAL INFORMATION

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

Special Permit: X Variance: Appeal:

PETITIONER: Cellco Partnership, d/b/a Verizon Wireless

PETITIONER'S ADDRESS: 118 Flanders Road, Westborough, MA

LOCATION OF PROPERTY: 599 and 605 Massachusetts Avenue, 2-12 Essex Street

TYPE OF OCCUPANCY: Retail/Office ZONING DISTRICT: Business B; Central SQ Overlay

REASON FOR PETITION:

<u> </u> Additions	<u> </u> New Structure
<u> </u> Change in Use/Occupancy	<u> </u> Parking
<u> </u> Conversion to Addi'l Dwelling Unit's	<u> </u> Sign
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antenna arrays (12 antennas total will be replaced) and installing two remote radio heads and two junction boxes per
sector. Verizon also proposes to relocate the existing Alpha sector antennas.

For a more detailed description of the proposed facility upgrade, see the attached Statement and Site Plan.

SECTIONS OF ZONING ORDINANCE CITED:

Article <u> 4 </u>	Section <u>4.32(g)(1) and footnote 49 (Section 4.40.49)</u>
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Original Signature(s) :

(Petitioner(s)/Owner)

* Timothy C. Twardowski, attorney for Cellco Partnership
d/b/a/ Verizon Wireless
(Print Name)

Address: Verizon Wireless
118 Flanders Road
Westborough, MA 01581

Tel. No.: (508) 330-3800

E-Mail Address: ttwardowski@rc.com

Date:

* Robinson & Cole LLP
One Boston Place, 25th Floor, Boston, MA 02108
(617) 557-5965

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 _____
(OWNER)

Address: _____

State that I/We own the property located at _____,
which is the subject of this zoning application.

The record title of this property is in the name of _____

*Pursuant to a deed of duly recorded in the date _____, Middlesex South
County Registry of Deeds at Book _____, Page _____; or
Middlesex Registry District of Land Court, Certificate No. _____
Book _____ Page _____.

**SIGNATURE BY LAND OWNER OR
AUTHORIZED TRUSTEE, OFFICER OR AGENT***

**Written evidence of Agent's standing to represent petitioner may be requested.*

Commonwealth of Massachusetts, County of _____

The above-name _____ personally appeared before me,
this _____ of _____, 20_____, and made oath that the above statement is true.

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.

BZA APPLICATION FORM

DIMENSIONAL INFORMATION

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

LOCATION: 599 and 605 Massachusetts Avenue, 2-12 Essex Street **ZONE:** Business B; Central SQ Overlay

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

	<u>EXISTING CONDITIONS</u>	<u>REQUESTED CONDITIONS</u>	<u>ORDINANCE REQUIREMENTS¹</u>
TOTAL GROSS FLOOR AREA:	<u>NA</u>	<u>No change</u>	<u>NA</u> (max.)
LOT AREA:	<u>NA</u>		<u>NA</u> (min.)
RATIO OF GROSS FLOOR AREA TO LOT AREA: ²	<u>NA</u>	<u>No change</u>	<u>NA</u> (max.)
LOT AREA FOR EACH DWELLING UNIT:	<u>NA</u>	<u>No change</u>	<u>NA</u> (min.)
SIZE OF LOT:			
WIDTH	<u>NA</u>		<u>NA</u> (min.)
DEPTH			
Setbacks in Feet:			
FRONT	<u>NA</u>	<u>No change</u>	<u>NA</u> (min.)
REAR	<u>NA</u>	<u>No change</u>	<u>NA</u> (min.)
LEFT SIDE	<u>NA</u>	<u>No change</u>	<u>NA</u> (min.)
RIGHT SIDE	<u>NA</u>	<u>No change</u>	<u>NA</u> (min.)
SIZE OF BLDG.:			
HEIGHT	<u>5 - Stories</u>	<u>No change</u>	<u>NA</u> (max.)
LENGTH			
WIDTH			
RATIO OF USABLE OPEN SPACE TO LOT AREA: ³)	<u>NA</u>	<u>NA</u>	<u>NA</u> (min.)
NO. OF DWELLING UNITS:	<u>NA</u>	<u>NA</u>	<u>NA</u> (max.)
NO. OF PARKING SPACES:	<u>NA</u>	<u>NA</u>	<u>NA</u> (min./max)
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DISTANCE TO NEAREST BLDG. ON SAME LOT:	<u>NA</u>	<u>No change</u>	<u>NA</u> (min.)

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

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'.

BZA APPLICATION FORM

SUPPORTING STATEMENT FOR A VARIANCE

EACH OF THE FOLLOWING REQUIREMENTS FOR A VARIANCE MUST BE ESTABLISHED AND SET FORTH IN COMPLETE DETAIL BY THE APPLICANT IN ACCORDANCE WITH MGL 40A, SECTION 10:

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:

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:

C) **DESIRABLE RELIEF MAY BE GRANTED WITHOUT EITHER:**

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

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

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

BZA APPLICATION FORM

SUPPORTING STATEMENT FOR A SPECIAL PERMIT

Please describe in complete detail how you meet each of the following criteria referring to the property and proposed changes or uses which are requested in your application. Attach sheets with additional information for special permits which have additional criteria, e.g.; fast food permits, comprehensive permits, etc., which must be met.

599 and 605 Massachusetts Avenue

Granting the Special Permit requested for 2-12 Essex Street (location) would not be a detriment to the public interest because:

- A)** Requirements of the Ordinance can or will be met for the following reasons:

As demonstrated by the documents and information provided with this application, and as will be further demonstrated at the hearing on this matter, the upgraded facility meets the requirements of the Zoning Ordinance for the facilities serving mobile communications systems.

- 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 upgraded facility will not change existing traffic demand or affect ingress or egress. The facility will continue to generate only about one to two vehicle trips per month by a standard passenger vehicle during normal business hours for routine maintenance.

- 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 upgraded facility will have no adverse effects on the operation or development of adjacent uses. The upgraded facility will emit no light, odor, dust or glare and generates no unusual noise or other adverse impacts.

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

- 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 facility has been designed to minimize its visual impact and is in harmony with the general purpose of the Zoning Ordinance and will comply with its provisions.

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

**STATEMENT IN SUPPORT OF
APPLICATION TO MODIFY SPECIAL PERMIT**

Applicant: Cellco Partnership d/b/a Verizon Wireless
Property: 599 and 605 Massachusetts Avenue, 2-12 Essex Street
Zoning: BB-Central Square
Central Square Overlay District
Proposed Use: Mobile Communications Facility (Modification of Existing Facility)

BACKGROUND

The applicant, Cellco Partnership d/b/a Verizon Wireless (“Applicant” or “Verizon Wireless”), is licensed by the Federal Communications Commission (“FCC”) to provide personal wireless services within the market area that includes the City of Cambridge. To the extent required, Verizon Wireless seeks to modify its existing Special Permit #9100, issued by the Board of Zoning Appeal (“BZA”) on July 21, 2005, to allow it to upgrade its existing mobile communications facility on the existing buildings at 599 and 605 Massachusetts Avenue and 2-12 Essex Street (collectively the “Subject Property”).

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

DESCRIPTION OF PROJECT

As shown on the Plans and Photographs submitted with this application, the Subject Property is improved with a group of attached buildings, including the recently constructed six-story mixed-use building located at 10 Essex Street (collectively the “Building”). As authorized by Special Permit #9100, Verizon Wireless has installed and operates an existing mobile communications facility consisting of three sectors of four panel antennas each (twelve in total) and a rooftop equipment shelter, with appurtenant rooftop cables and utility connections. Two of the existing antenna sectors are mounted on the façade of the Building and the third sector is mounted on the Verizon Wireless equipment shelter itself.

Verizon Wireless proposes to replace all of its existing panel antennas (4 antennas per sector, for a total of 12 antennas) as part of its ongoing efforts to upgrade its network and expand its services. For the two sectors with façade-mounted antennas (i.e., the “Beta Sector” and “Gamma Sector”), the replacement antennas will be mounted to the existing antenna mounts and, like the existing antennas, painted to match the Building. Verizon Wireless also proposes to add two

remote radio heads (“RRH”) and a two junction boxes to each sector. The proposed RRHs and junction boxes will be “ballast mounted” on a weighted metal frame placed on the roof of the Building adjacent to the cable tray and near the antenna arrays. As shown by the Photographs submitted with this application, the ballast-mounted equipment will be set back from the roof edge and behind the parapet walls so that they will not be visible from street level.

Verizon Wireless is proposing to relocate the Alpha sector antennas, which currently are mounted on the exterior of its existing equipment shelter, due to the recent construction of the six-story building at 2-12 Essex Street, which effectively blocks the signals generated by the Alpha sector antennas. In order to address this situation, Verizon Wireless proposes to relocate the Alpha sector equipment to an existing penthouse on the roof of the Essex Street building. As shown on the Plans and Photographs, Verizon Wireless proposes to mount the replacement antennas, together with associated RRHs and junction boxes, on the exterior of the penthouse. The equipment would be concealed from view by a fiberglass enclosure that is colored to match the existing penthouse.

SECTION 6409(a) OF THE MIDDLE CLASS TAX RELIEF AND JOB CREATION ACT OF 2012 (“SPECTRUM ACT”)

Under the Spectrum Act and the implementing regulations adopted by the Federal Communications Commission on January 8, 2015 (the “FCC Regulations”),¹ the proposed modification to Verizon Wireless’ existing facility constitutes an eligible facilities request. The Spectrum Act states, in pertinent part: “[n]otwithstanding section 704 of the Telecommunications Act of 1996² 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.”³ 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.”⁴ The FCC Regulations define “base station” to mean:

(i) 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

¹ See 47 C.F.R. 1.40001 (Wireless Facility Modifications).

² The Telecommunications Act of 1996 is codified as 47 U.S.C. § 332(c)(7).

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

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

State or local regulatory review process, even if the structure was not built for the sole or primary purpose of providing such support.⁵

“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.”⁶

The proposed modifications to the existing Verizon Wireless facility is an “eligible facilities request” under the Spectrum Act because:

- (1) the Subject Property constitutes a “base station” and an “eligible support structure” in that it currently exists and “supports or houses” wireless communications equipment that has been reviewed and approved under the City’s zoning ordinance – namely, the existing antennas and equipment installed pursuant to prior approvals of the BZA including Special Permit #9100.
- (2) the proposed replacement of the Verizon Wireless antennas on the Subject Property for the purpose of transmitting and receiving radio frequency signals for communication purposes constitutes a “replacement of transmission equipment” and the proposed addition of RRHs and junction boxes is the “collocation of new transmission equipment.”
- (3) 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 (*Verizon Wireless does not propose to install any new equipment cabinets*);
 - (ii) does not entail excavation or deployment outside of the current site (*All proposed changes are taking place on the building itself*);
 - (iii) does not defeat the concealment elements of the Existing Facility (*Special Permit #9100 does not contain any explicit concealment conditions but notes that the “visual impact [of] the various elements of this facility have been minimized through the sheltering and camouflaging of these elements.” The proposed modifications are consistent with this standards in that: (a) the façade-mounted replacement antennas (Beta and Gamma sectors), like the existing antennas, will be painted to match the Building; (b) the proposed ballast-mounted RRH and junction boxes will be set back from the roof edge and behind the existing parapet so that they are not visible from street level; and (c) the relocated Alpha sector equipment will be completely enclosed and concealed from view by a*

⁵ 47 C.F.R. § 1.40001(b)(1).

⁶ 47 C.F.R. § 1.40001(b)(8).

fiberglass enclosure colored to match the existing rooftop penthouse on the Essex Street building;

- (iv) does not increase the height of the building by more than 10% or ten feet (*There will be no increase in height*);
- (v) does not add any appurtenances that would protrude from the edge of the building by more than six feet (*The proposed façade-mounted replacement 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 Special Permit #9100 that would be relevant to this upgrade request are satisfied, in that the visual impact of the proposed replacement antennas and associated RRH and junction boxes have been minimized through camouflaging, location, and enclosure*).⁷

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.”⁸

SATISFACTION OF APPLICABLE STANDARDS

The Applicant is confident that all of the standards for the approval of this petition as an Eligible Facilities Request under Section 6409(a) have been met. Nonetheless, this petition also satisfies the requirements of the Cambridge Zoning Ordinance for the grant of a special permit pursuant to Section 4.32(g)(1), Section 4.40 (Footnote 49), and Sections 10.40 through 10.46 of the Cambridge Zoning Ordinance. While fully reserving all of its rights, the Applicant requests that the BZA approve the proposed modifications to the existing facility and approve a modification of Special Permit #9100, under these provisions, if it determines that the proposed installation does not qualify as an Eligible Facilities Request or that approval of an Eligible Facilities Request requires approval of a special permit under the Zoning Ordinance.

In reviewing a special permit application for a mobile communications facility, the BZA considers the standards set forth at Footnote 49 to the Table of Use Regulations (Section 4.40.49 of the Zoning Ordinance). The following analysis demonstrates that the proposed modification of the existing wireless installation meets these standards.⁹

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

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

⁹ In providing information addressing the standards set forth in the Ordinance that concern the proposed modification of its wireless communications facility, Verizon Wireless does not concede, and expressly reserves all

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

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

2. *The extent to which the visual impact of the various elements of the proposed facility is minimized: (1) through the use of existing mechanical elements on a building’s roof or other features of the building as support and background; (2) through the use of materials that in texture and color blend with the materials to which the facilities are attached; or (3) other effective means to reduce the visual impact of the facility from off the site.*

As depicted on the Plans, the proposed modifications to the existing Verizon Wireless installation on the Building satisfies these standards. Verizon Wireless proposes to replace all of its existing panel antennas (4 antennas per sector, for a total of 12 antennas). For the two sectors with façade-mounted antennas, the replacement antennas will be mounted to the existing antenna mounts and, like the existing antennas, painted to match the Building. The associated RRHs and junction boxes will be “ballast mounted” on a weighted metal frame placed on the roof of the building above the cable tray and near the antenna arrays. The ballast-mounted equipment will be set back from the roof edge and behind the parapet walls so that they will not be visible from street level.

Verizon Wireless proposes to relocate the sector that currently is mounted on the exterior of the existing equipment shelter to an existing penthouse on the roof of the Essex Street building. The replacement antennas, together with associated RRHs and junction boxes, will be mounted to the exterior of the existing penthouse and will be concealed from view by a fiberglass enclosure that is colored to match the existing penthouse.

3. *Where it is proposed to erect such a facility in any residential zoning district, the extent to which there is a demonstrated public need for the facility at the proposed locations, the existence of alternative, functionally suitable sites in nonresidential locations, the character of the prevailing uses in the area, and the prevalence of other, existing mechanical systems and equipment carried on or above the roof of nearby structures. The Board of Zoning Appeal shall grant a special permit to erect such a facility in a residential zoning district only upon a finding that nonresidential uses predominate in the vicinity of the proposed facility's location and that the telecommunication facility is not inconsistent with the character that does prevail in the surrounding neighborhood.*

of its rights with respect to, any attempt by the City to exercise jurisdiction over matters concerning Verizon Wireless’s license or the technical performance of the proposed site or its network.

Not applicable. The Subject Property is not located in a residential zoning district.

The proposed modification of the existing wireless communications installation also satisfies the criteria of Section 10.43 of the Ordinance relating to the grant of special permits. The project conforms to the standards of Section 4.40.49 as discussed above. It will not have any traffic impacts and will not affect the operation or development of adjacent uses. It will not be detrimental to the health, safety or welfare of the City, and indeed the availability of reliable wireless communications enhances health, safety and welfare. The proposed modification of the existing installation will also not impair the integrity of the district or adjoining districts or derogate from the intent and purpose of the Ordinance. The availability of reliable wireless communications service for both voice and data communications benefits businesses and residents which increasingly rely on these services for a wide variety of purposes. Reliable wireless service also enhances community safety, because it is used by public safety officials as well as the public in times of crisis, natural disaster, inclement weather, and similar circumstances.

The proposed modification is also consistent with the objectives of the Central Square Overlay District, because the availability of more robust and reliable wireless and data services to employees and customers should be helpful in attracting and maintaining the desired retail base and making the neighborhood more desirable for pedestrians generally.

Because the proposed modification of the existing installation satisfies the criteria for granting a special permit, the applicant respectfully requests that the BZA modify the existing special permit to allow for the proposed upgrade of this established wireless communications facility.

CONCLUSION

For all of the foregoing reasons, Verizon Wireless respectfully requests that the BZA determine that the proposed Verizon Wireless collocation on the Subject Property, as described in the Plans and other submittals, constitutes an Eligible Facilities Request entitled to the BZA's approval. In the alternative, Verizon Wireless requests that the BZA grant a special permit or modification to Special Permit #9100 and any other relief that may be appropriate or necessary, to authorize the proposed wireless communications facility.

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



Timothy C. Twardowski, Esq.
Robinson & Cole LLP
One Boston Place, 25th Floor
Boston, MA 02108

Dated: October 30, 2019

ULS License

Cellular License - KNKA201 - Cellco Partnership

Call Sign	KNKA201	Radio Service	CL - Cellular
Status	Active	Auth Type	Regular

Market

Market	CMA006 - Boston-Lowell-Brockton-Lawrence-Haverhill, MA-NH	Channel Block	B
Submarket	0	Phase	2

Dates

Grant	08/26/2014	Expiration	10/01/2024
Effective	11/01/2016	Cancellation	

Five Year Buildout Date

08/27/1989

Control Points

3 500 W. Dove Rd., TARRANT, Southlake, TX
P: (800)264-6620

Licensee

FRN	0003290673	Type	General Partnership
-----	------------	------	---------------------

Licensee

Cellco Partnership 5055 North Point Pkwy, NP2NE Network Engineering Alpharetta, GA 30022 ATTN Regulatory	P:(770)797-1070 F:(770)797-1036 E:LicensingCompliance@VerizonWireless.com
---	---

Contact

Cellco Partnership Licensing Manager 5055 North Point Pkwy, NP2NE Network Engineering Alpharetta, GA 30022 ATTN Regulatory	P:(770)797-1070 F:(770)797-1036 E:LicensingCompliance@VerizonWireless.com
--	---

Ownership and Qualifications

Radio Service Type	Mobile		
Regulatory Status	Common Carrier	Interconnected	Yes

Alien Ownership

The Applicant answered "No" to each of the Alien Ownership questions.

Basic Qualifications

The Applicant answered "No" to each of the Basic Qualification questions.

Demographics

Race

Ethnicity

Gender

ULS License

PCS Broadband License - KNLH242 - Cellco Partnership

Call Sign	KNLH242	Radio Service	CW - PCS Broadband
Status	Active	Auth Type	Regular

Rural Service Provider Bidding Credit

Is the Applicant seeking a Rural Service Provider (RSP) bidding credit?

Reserved Spectrum

Reserved Spectrum

Market

Market	BTA051 - Boston, MA	Channel Block	F
Submarket	0	Associated Frequencies (MHz)	001890.00000000-001895.00000000-001970.00000000-001975.00000000

Dates

Grant	06/02/2017	Expiration	06/27/2027
Effective	06/02/2017	Cancellation	

Buildout Deadlines

1st	06/27/2002	2nd	
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Notification Dates

1st	05/17/2002	2nd	
-----	------------	-----	--

Licensee

FRN	0003290673	Type	Joint Venture
-----	------------	------	---------------

Licensee

Cellco Partnership 5055 North Point Pkwy, NP2NE Network Engineering Alpharetta, GA 30022 ATTN Regulatory	P:(770)797-1070 F:(770)797-1036 E:LicensingCompliance@VerizonWireless.com
---	---

Contact

Verizon Wireless Licensing - Manager 5055 North Point Pkwy, NP2NE Network Engineering Alpharetta, GA 30022 ATTN Regulatory	P:(770)797-1070 F:(770)797-1036 E:LicensingCompliance@VerizonWireless.com
--	---

Ownership and Qualifications

Radio Service Type	Mobile		
Regulatory Status	Common Carrier	Interconnected	Yes

Alien Ownership

ULS Lease

KNLF646 - L000026571 - Cellco PartnershipLicense Details : Leases : **Lease Details**

Lease ID	L000026571	Radio Service	CW - PCS Broadband
Status	Active	Classification of Lease	Spectrum Manager Lease
		Term of Lease	Long

Dates

Grant/Accepted	03/08/2018	Expiration	01/03/2027
Commencement	02/16/2018	Cancellation	

Lessee

FRN	0003290673	Type	General Partnership
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Lessee

Cellco Partnership 5055 North Point Pkwy, NP2NE Network Engineering Alpharetta, GA 30022 ATTN Regulatory	P:(770)797-1070 E:licensingcompliance@verizonwireless.com
---	--

Real Party in Interest	Cellco Partnership	FRN of Real Party in Interest	0003290673
------------------------	--------------------	-------------------------------	------------

Contact

Verizon Sarah Trosch 1300 I Street, NW - Suite 500 East Washington, DC 20005	P:(202)515-2453 E:sarah.trosch@verizon.com
---	---

Lessee Qualifications and Ownership Information

Radio Service Type	
Regulatory Status	Interconnected

Alien Ownership

The Applicant answered "No" to each of the Alien Ownership questions.

Basic Qualifications

The Applicant answered "No" to each of the Basic Qualification questions.

Demographics

Race	
Ethnicity	Gender

ULS License

AWS (1710-1755 MHz and 2110-2155 MHz) License - WQGA900 - Cellco Partnership

Call Sign	WQGA900	Radio Service	AW - AWS (1710-1755 MHz and 2110-2155 MHz)
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Status	Active	Auth Type	Regular
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Rural Service Provider Bidding Credit

Is the Applicant seeking a Rural Service Provider (RSP) bidding credit?

Reserved Spectrum

Reserved Spectrum

Market

Market	BEA003 - Boston-Worcester-Lawrence-Lowell-Brockton, MA-NH-RI-VT	Channel Block	B
Submarket	1	Associated Frequencies (MHz)	001720.00000000-001730.00000000-002120.00000000-002130.00000000

Dates

Grant	11/29/2006	Expiration	11/29/2021
Effective	11/01/2016	Cancellation	

Buildout Deadlines

1st	2nd
-----	-----

Notification Dates

1st	2nd
-----	-----

Licensee

FRN	0003290673	Type	General Partnership
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Licensee

Cellco Partnership 5055 North Point Pkwy, NP2NE Network Engineering Alpharetta, GA 30022 ATTN Regulatory	P:(770)797-1070 F:(770)797-1036 E:LicensingCompliance@VerizonWireless.com
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Contact

Cellco Partnership Licensing Manager 5055 North Point Pkwy, NP2NE Network Engineering Alpharetta, GA 30022 ATTN Regulatory	P:(770)797-1070 F:(770)797-1036 E:LicensingCompliance@VerizonWireless.com
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Ownership and Qualifications

ULS License

700 MHz Upper Band (Block C) License - WQJQ689 - Cellco Partnership**PA** This license has pending applications: 0008839958, 0008839948, 0008657811

Call Sign	WQJQ689	Radio Service	WU - 700 MHz Upper Band (Block C)
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Status	Active	Auth Type	Regular
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Rural Service Provider Bidding Credit

Is the Applicant seeking a Rural Service Provider (RSP) bidding credit?

Reserved Spectrum

Reserved Spectrum

Market

Market	REA001 - Northeast	Channel Block	C
Submarket	0	Associated Frequencies (MHz)	000746.00000000-000757.00000000-000776.00000000-000787.00000000

Dates

Grant	09/11/2019	Expiration	06/13/2029
Effective	09/11/2019	Cancellation	

Buildout Deadlines

1st	06/13/2013	2nd	06/13/2019
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Notification Dates

1st	06/20/2013	2nd	06/17/2019
-----	------------	-----	------------

Licensee

FRN	0003290673	Type	General Partnership
-----	------------	------	---------------------

Licensee

Cellco Partnership 5055 North Point Pkwy, NP2NE Network Engineering Alpharetta, GA 30022 ATTN Regulatory	P:(770)797-1070 E:LicensingCompliance@VerizonWireless.com
---	--

Contact

Verizon Wireless Licensing Manager 5055 North Point Pkwy, NP2NE Network Engineering Alpharetta, GA 30022 ATTN Regulatory	P:(770)797-1070 E:LicensingCompliance@VerizonWireless.com
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Ownership and Qualifications

Radio Service Type	Mobile
Regulatory Status	Common Carrier Interconnected Yes

ULS License

AWS (1710-1755 MHz and 2110-2155 MHz) License - WQGB266 - Cellco Partnership

Call Sign	WQGB266	Radio Service	AW - AWS (1710-1755 MHz and 2110-2155 MHz)
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Status	Active	Auth Type	Regular
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Rural Service Provider Bidding Credit

Is the Applicant seeking a Rural Service Provider (RSP) bidding credit?

Reserved Spectrum

Reserved Spectrum

Market

Market	CMA006 - Boston-Lowell-Brockton-Lawrence-Haverhill, MA-NH	Channel Block	A
Submarket	0	Associated Frequencies (MHz)	001710.00000000-001720.00000000-002110.00000000-002120.00000000

Dates

Grant	11/29/2006	Expiration	11/29/2021
Effective	11/01/2016	Cancellation	

Buildout Deadlines

1st	2nd
-----	-----

Notification Dates

1st	2nd
-----	-----

Licensee

FRN	0003290673	Type	General Partnership
-----	------------	------	---------------------

Licensee

Cellco Partnership 5055 North Point Pkwy, NP2NE Network Engineering Alpharetta, GA 30022 ATTN Regulatory	P:(770)797-1070 F:(770)797-1036 E:LicensingCompliance@VerizonWireless.com
---	---

Contact

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Ownership and Qualifications

Radio Service Type	Mobile
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Prepared For:
Verizon Wireless
Site Name:
CENTRAL SQ MA
599 Massachusetts Avenue
Cambridge, MA 02139



Photos taken on: 06-26-19
Simulation Based On Rev-6 Zoning Drawings Dated: 10-03-19

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

verizon[✓]
WIRELESS
118 Flanders Road
Westborough, MA 01581

CENTRAL SQ MA
DEWBERRY NO. 50110160
(Page 1 of 9)

 **Dewberry**[®]
Dewberry Engineers Inc.
280 Summer St.
10th Floor
Boston, MA 02210



2A

Temple St

Prospect St

PHOTO 4

Essex St

Norfolk St

Suffolk St

Washington St

Fisk Pl

SITE LOCATION

PHOTO 1

Garritt Alley

PHOTO 2

PHOTO 3

Bishop Allen Dr

Douglass St

Dokline St

verizon
WIRELESS

CENTRAL SQ MA
599 Massachusetts Avenue
Cambridge, MA 02139
(Page 2 of 9)



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Actual View

verizon[✓]
WIRELESS

CENTRAL SQ MA

Photo 1A

View Facing North
From Massachusetts Avenue
(Page 3 of 9)



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Proposed View

Proposed Gama Sector Antenna
(To Replace Existing Antenna) (Typ.-3)

Proposed Gamma Sector NR HRU Antenna
(To Replace Existing Antenna) (Typ.-1)

verizon[✓]
WIRELESS

CENTRAL SQ MA

Photo 1B

View Facing North
From Massachusetts Avenue
(Page 4 of 9)

 **Dewberry**[®]

Actual View



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WIRELESS

CENTRAL SQ MA

Photo 2A

View Facing North
From Massachusetts Avenue
(Page 5 of 9)



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Proposed View

Proposed Beta Sector Antenna
(To Replace Existing Antenna) (Typ.-3)

Proposed Beta Sector NR HRU Antenna
(To Replace Existing Antenna) (Typ.-1)

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CENTRAL SQ MA

Photo 2B

View Facing North
From Massachusetts Avenue
(Page 6 of 9)



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Actual View

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Photo 3A

View Facing West
From Bishop Allen Drive
(Page 7 of 9)

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Proposed View

Proposed Fiberglass Enclosure Concealing
Relocated Alpha Sector Antennas (Typ.-4)

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Photo 3B

View Facing West
From Bishop Allen Drive
(Page 8 of 9)

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Actual View

Proposed Equipment Is Not
Visible From This Location

verizon^{WIRELESS}

CENTRAL SQ MA

Photo 4

View Facing South
From Essex Street
(Page 9 of 9)

 **Dewberry**[®]

599-605 Mass Ave
2-12 Essex St.

Petitioner

90-184-55
CITY OF CAMBRIDGE
C/O LOUIE DEPASQUALE
CITY MANAGER

90-184-55
CITY OF CAMBRIDGE
PARKING DEPARTMENT

ROBINSON & COLE LLP
C/O TIMOTHY C. TWARDOWSKI, ESQ.
ONE BOSTON PLACE – 25TH FLOOR
BOSTON, MA 02108

90-184-55
CITY OF CAMBRIDGE
C/O NANCY GLOWA
CITY SOLICITOR

90-125
KATIS, HARRY N, & VICTORIA KATIS,
TRUSTEE OF POTAMIA REALTY TRUST
720 MASS AVE
CAMBRIDGE, MA 02139

90-185
HILL, JAMES D.,
TRUSTEE THE JAMES D. HILL REV TRUST
15831 WHITE ORCHID LANE
FT. MYERS, FL 33908

90-70-194-52-133
3MJ ASSOCIATES, LLC
563 MASSACHUSETTS AVE
CAMBRIDGE, MA 02139

90-169
625 MASS AVE OWNER, LLC
C/O LINCOLN PROPERTY COMPANY
53 STATE ST. 8TH FLOOR
BOSTON, MA 02109

106-103
ROTHMAN, GEORGE & ETHEL ROTHMAN,
C/O FIRST CAMBRIDGE REALTY
907 MASS AVE
CAMBRIDGE, MA 02139

106-124
CIFRINO-MASSACHUSETTS AVENUE REALTY LLC.
C/O SUPERIOR REALTY CO., INC.
540 GALLIVAN BOULEVARD
DORCHESTER, MA 02124

106-105
CENTRAL SQUARE LLC,
C/O HUNNEMAN REAL ESTATE CORP.
303 CONGRESS ST.
BOSTON, MA 02210

106-123
CARU CAMBRIDGE LLC.
620 MASSACHUSETTS AVE
CAMBRIDGE, MA 02139