



**CITY OF CAMBRIDGE
 MASSACHUSETTS
 BOARD OF ZONING APPEAL
 831 MASSACHUSETTS AVENUE
 CAMBRIDGE, MA 02139
 617 349-6100**

BZA APPLICATION FORM

Plan No: 9-31

GENERAL INFORMATION

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

Special Permit : v Variance : _____ Appeal : _____

PETITIONER : New Cingular Wireless PCS d/b/a AT&T Mobility - C/O Kristen LeDuc, Smartlink LLC

PETITIONER'S ADDRESS : 85 Rangeway Road, Building 3, Suite 102, North Billerica MA 01862

LOCATION OF PROPERTY : 5 Cambridge Parkway, Cambridge, MA

TYPE OF OCCUPANCY : Hotel ZONING DISTRICT : PUD-2 & Residence Zone

REASON FOR PETITION :

Other: Telecommunications

DESCRIPTION OF PETITIONER'S PROPOSAL :

This application is a eligible Facilities request pursuant to Section 6409 of the Middle Class Tax Relief and Job Creation Act of 2012, 47 U.S.C. 1455; or in the alternative, for a special permit under the zoning ordinances cited above, if and to the extent necessary, all rights reserved

AT&T will be replacing 3 antennas currently installed on site. AT&T will also be adding and upgrading telecommunications equipment as part of nationwide network upgrades

SECTIONS OF ZONING ORDINANCE CITED :

Article <u>4.000</u>	Section <u>4.32.G.1 (Telecommunications Facility).</u>
Article <u>4.000</u>	Section <u>4.40 (Footnote 49) (Telecommunications Facility).</u>
Article <u>10.000</u>	Section <u>10.40 (Special Permit).</u>
Article <u>6409</u>	Section <u>Middle Class Tax Relief and Job Creation Act</u>

Original Signature(s) : 
 (Petitioner(s) / Owner)

Kristen LeDuc, Authorized Agent for AT&T
 (Print Name)

Address : 85 Rangeway Road
Bldg. 3, Suite 102, Billerica MA 01862

Tel. No. : 978-828-3264

E-Mail Address : kristen.leduc@smartlinkllc.com

Date : 11-7-17

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 HPT Cambridge LLC
(OWNER)

Address: 255 Washington St. , Ste. 300, Newton, MA 02458

State that I/We own the property located at 40 Edwin Land Blvd., Cambridge, MA
which is the subject of this zoning application. 02142

The record title of this property is in the name of HPT Cambridge LLC

*Pursuant to a deed of duly recorded in the date 1/12/83, Middlesex South
County Registry of Deeds at Book 14857, Page 350; or
Middlesex Registry District of Land Court, Certificate No. _____
Book _____ Page _____.

HPT Cambridge LLC

By: John G. Murray
SIGNATURE BY LAND OWNER OR AUTHORIZED TRUSTEE, OFFICER OR AGENT*
John G. Murray, President

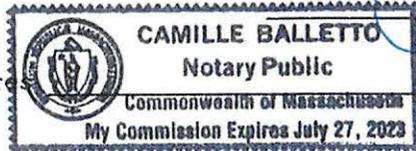
*Written evidence of Agent's standing to represent petitioner may be requested.

Commonwealth of Massachusetts, County of Middlesex

The above-name John G. Murray personally appeared before me,
this 21st of March, 2017, and made oath that the above statement is true.

Camille Balletto 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: Smartlink LLC **PRESENT USE/OCCUPANCY:** Hotel/telecom
LOCATION: 5 Cambridge Parkway, Cambridge, MA **ZONE:** PUD-2 & Residence C-3A Zone
PHONE: _____ **REQUESTED USE/OCCUPANCY:** Same

		<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>		<u>0</u>	<u>0</u>	<u>0</u>	(max.)
<u>LOT AREA:</u>		<u>0</u>	<u>0</u>	<u>0</u>	(min.)
<u>RATIO OF GROSS FLOOR AREA</u> <u>TO LOT AREA:</u> ²		<u>0</u>	<u>0</u>	<u>0</u>	(max.)
<u>LOT AREA FOR EACH DWELLING UNIT:</u>		<u>0</u>	<u>0</u>	<u>0</u>	(min.)
<u>SIZE OF LOT:</u>	WIDTH	<u>0</u>	<u>0</u>	<u>0</u>	(min.)
	DEPTH	<u>0</u>	<u>0</u>	<u>0</u>	
<u>SETBACKS IN FEET:</u>	FRONT	<u>0</u>	<u>0</u>	<u>0</u>	(min.)
	REAR	<u>0</u>	<u>0</u>	<u>0</u>	(min.)
	LEFT SIDE	<u>0</u>	<u>0</u>	<u>0</u>	(min.)
	RIGHT SIDE	<u>0</u>	<u>0</u>	<u>0</u>	(min.)
<u>SIZE OF BLDG.:</u>	HEIGHT	<u>0</u>	<u>0</u>	<u>0</u>	(max.)
	LENGTH	<u>0</u>	<u>0</u>	<u>0</u>	
	WIDTH	<u>0</u>	<u>0</u>	<u>0</u>	
<u>RATIO OF USABLE OPEN SPACE</u> <u>TO LOT AREA:</u>		<u>0</u>	<u>0</u>	<u>0</u>	(min.)
<u>NO. OF DWELLING UNITS:</u>		<u>0</u>	<u>0</u>	<u>0</u>	(max.)
<u>NO. OF PARKING SPACES:</u>		<u>0</u>	<u>0</u>	<u>0</u>	(min./max)
<u>NO. OF LOADING AREAS:</u>		<u>0</u>	<u>0</u>	<u>0</u>	(min.)
<u>DISTANCE TO NEAREST BLDG.</u> <u>ON SAME LOT:</u>		<u>0</u>	<u>0</u>	<u>0</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.

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 SPECIAL PERMIT

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

Granting the Special Permit requested for 5 Cambridge Parkway, Cambridge,
MA (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:
See Attached Narratibve and supporting documents
- 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:
- 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:
- 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:
- 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:



**CITY OF CAMBRIDGE
MASSACHUSETTS
BOARD OF ZONING APPEAL
831 MASSACHUSETTS AVENUE
CAMBRIDGE, MA 02139
617 349-6100**

2017 NOV 21 PM 2: 50

BZA APPLICATION FORM

Plan No: 9-31 OFFICE OF THE CITY CLERK
CAMBRIDGE, MASSACHUSETTS

GENERAL INFORMATION

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

Special Permit: v Variance: Appeal:

PETITIONER: New Cingular Wireless PCS d/b/a AT&T Mobility - C/O Kristen LeDuc, Smartlink LLC

PETITIONER'S ADDRESS: 85 Rangeway Road, Building 3, Suite 102, North Billerica MA 01862

LOCATION OF PROPERTY: 5 Cambridge Parkway, Cambridge, MA

TYPE OF OCCUPANCY: Hotel ZONING DISTRICT: PUD-2 & Residence Zone

REASON FOR PETITION :

Other: Telecommunications

DESCRIPTION OF PETITIONER'S PROPOSAL :

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AT&T will be replacing 3 antennas currently installed on site. AT&T will also be adding and upgrading telecommunications equipment as part of nationwide network upgrades

SECTIONS OF ZONING ORDINANCE CITED :

Article <u>4.000</u>	Section <u>4.32.G.1 (Telecommunications Facility).</u>
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Article <u>6409</u>	Section <u>Middle Class Tax Relief and Job Creation Act</u>

Original Signature(s) : *Kristen LeDuc*
(Petitioner(s) / Owner)

Kristen LeDuc, Authorized Agent for AT&T
(Print Name)

Address : 85 Rangeway Road
Bldg. 3, Suite 102, Billerica MA 01862

Tel. No. : 978-828-3264

E-Mail Address : kristen.leduc@smartlinkllc.com

Date : 11-7-17

5 Cambridge Parkway



5 Cambridge Parkway

Petitioner

9-40
MASSACHUSETTS COMMONWEALTH OF
20 SOMERSET ST
BOSTON, MA 02108

9-31
SONESTA, ROYAL SONESTA HOTEL BOSTON
C/O RYAN, LLC
PTS COMMERCIAL 1 INTERNATIONAL PL
100 OLIVER STREET, 18TH FL.
BOSTON, MA 02110

KRISTEN LEDUC,
AUTHORIZED AGENT FOR AT&T
85 RANGEWAY ROAD – BLDG. 3, SUITE 102
BILLERICA, MA 01862

9-41
TEN CANAL PK MASSACHUSETTS, LLC, C/O US
REAL ESTATE INVEST FUND, LLC
1270 SOLDIERS FIELD RD
CAMBRIDGE, MA 02135

8-88
CAMBRIDGE, CITY OF
C/O NEW ENGLAND DEVELOPMENT
75 PARK PLAZA
ATTN: ACCOUNTING DEPT
BOSTON, MA 02116

8-89
KARP, STEPHEN R., STEPHEN C. PLUMERI & WILLIAM
H. MCCABE, JR.
C/O NEW ENGLAND DEVELOPMENT
75 PARK PLAZA
BOSTON, MA 02116

9-61
CAMBRIDGE HOTEL, LLC.
C/O MARVIN F. POER & COMPANY
3520 PIEDMONT RD. NE - SUITE #410
ATLANTA, GA 30305

274-1A
CHARLES GATE YACHT CLUB
20 CAMBRIDGE PKWY
CAMBRIDGE, MA 02142

10-65
CHARLES PARK ONE, LLC,
C/O JONES LANG LASALLE
1 ROGERS STREET
CAMBRIDGE, MA 02142

11-40
55 CAMBRIDGE PARKWAY, LLC
55 CAMBRIDGE PARKWAY
CAMBRIDGE, MA 02142

8-90 / 10-44 / 11-145-47
CITY OF CAMBRIDGE COMM. DEV.
57 INMAN ST
CAMBRIDGE, MA 02139

8-90 / 10-44 / 11-145-47
CITY OF CAMBRIDGE
C/O LOUIS DEPASQUALE
CITY MANAGER

8-90 / 10-44 / 11-145-47
CITY OF CAMBRIDGE
C/O NANCY GLOWA
CITY SOLICITOR

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



CAMBRIDGE HISTORICAL COMMISSION

831 Massachusetts Avenue, 2nd Floor, Cambridge, Massachusetts 02139
Telephone: 617 349 4683 TTY: 617 349 6112
E-mail: histcomm@cambridgema.gov URL: http://www.cambridgema.gov/Historic

Bruce A. Irving, *Chair*; Susannah Barton Tobin, *Vice Chair*; Charles M. Sullivan, *Executive Director*
William G. Barry, Jr., Robert G. Crocker, Joseph V. Ferrara, Chandra Harrington, Jo M. Solet, *Members*
Gavin W. Kleespies, Paula A. Paris, Kyle Sheffield, *Alternates*

Jurisdiction Advice

To the Owner of Property at 5 Cambridge Parkway

The above-referenced property is subject to the jurisdiction of the Cambridge Historical Commission (CHC) by reason of the status referenced below:

- Old Cambridge Historic District
- Fort Washington Historic District
(M.G.L. Ch. 40C, City Code §2.78.050)
- Avon Hill Neighborhood Conservation District
- Half Crown – Marsh Neighborhood Conservation District
- Harvard Square Conservation District
- Mid Cambridge Neighborhood Conservation District
- Designated Landmark
- Property is being studied for designation: _____
(City Code, Ch. 2.78., Article III, and various City Council Orders)
- Preservation Restriction or Easement (as recorded)
- Structure is fifty years or more old and therefore subject to CHC review of any application for a demolition permit, if one is required by ISD. (City Code, Ch. 2.78, Article II). See the back of this page for definition of demolition.
- No jurisdiction: not a designated historic property and the structure is less than fifty years old.**
- No local jurisdiction, but the property is listed on the National Register of Historic Places; CHC staff is available for consultation, upon request.
Staff comments: _____

The Board of Zoning Appeal advises applicants to complete Historical Commission or Neighborhood Conservation District Commission reviews before appearing before the Board.

If a line indicating possible jurisdiction is checked, the owner needs to consult with the staff of the Historical Commission to determine whether a hearing will be required.

CHC staff initials SLB

Date November 30, 2017

Received by Uploaded to Energov

Date November 30, 2017

Relationship to project BZA 15044-2017

cc: Applicant
Inspectional Services Commissioner

Demolition Delay Ordinance and Application Information

The Demolition Delay Ordinance (Chapter 2.78, Article II of the Cambridge Municipal Code) was adopted by the City Council in 1979 to afford public review of demolition permit applications for potentially significant buildings. When the Historical Commission determines that a building is significant and should be preserved, demolition will be delayed for up to six months so that solutions can be sought to preserve the building indefinitely. The Ordinance covers all buildings over 50 years old, city-wide. The Historical Commission archives provide dates of construction for all properties in the City.

Demolition is defined in the ordinance as "the act of pulling down, destroying, removing or razing a building or commencing the work of total or substantial destruction with the intent of completing the same." The Inspectional Services Commissioner has provided further guidelines to outline what actions require a demolition permit. **In addition to complete demolition of a building, the following actions may require a demolition permit,**

- **removal of a roof,**
- **removal of one side of a building,**
- **gutting of a building's interior to the point where exterior features (windows, etc.) are impacted, and**
- **removal of more than 25% of a structure.**

Please contact the building inspector or a staff member of the Historical Commission if you have questions about whether a demolition permit is required for a particular project.

Demolition permit applications can be obtained from the Inspectional Services Department. The completed application should be submitted to the Historical Commission, where the staff will review the application. If the Executive Director of the Historical Commission makes an initial determination that the building is significant, a public hearing will be scheduled with Historical Commission. If the staff makes an initial determination that the building is not significant, the application is released for further review by the Building Commissioner.

More information about the demolition permit application procedures is available on the Historical Commission's web site or by calling or dropping by the Historical Commission office.

July 2003

Cambridge Historical Commission
831 Massachusetts Ave., 2nd Fl.
Cambridge, MA 02139
Ph: 617/349-4683 or TTY: 617/349-6112
<http://www.cambridgema.gov/Historic>



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BZA APPLICATION FORM

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Article <u>10.000</u>	Section <u>10.40 (Special Permit).</u>
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Original Signature(s) : *Kristen LeDuc*
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Kristen LeDuc, Authorized Agent for AT&T
(Print Name)

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Tel. No. : 978-828-3264

E-Mail Address : kristen.leduc@smartlinkllc.com

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HPT Cambridge LLC

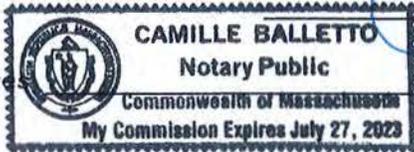
By: John G. Murray
SIGNATURE BY LAND OWNER OR AUTHORIZED TRUSTEE, OFFICER OR AGENT* John G. Murray, President

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

Commonwealth of Massachusetts, County of Middlesex

The above-name John G. Murray personally appeared before me,
this 21st of March, 2017, and made oath that the above statement is true.

Camille Balletto 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

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.

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See Attached Narratibve and supporting documents
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- 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:
- 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:

BZA APPLICATION FORM

CHECK LIST

PROPERTY LOCATION: 5 Cambridge Parkway DATE: 11-7-17

PETITIONER OR REPRESENTATIVE: New Cingular Wireless PCS d/b/a AT&T Mobility - c/o Kristen LeDuc, Smartlink LLC

ADDRESS & PHONE: 85 Rangeway Road, Bldg. 3, Suite 102, Billerica MA 01862

BLOCK: 9 LOT: 31

PLEASE CHECK THAT YOU HAVE INCLUDED THE FOLLOWING WITH YOUR APPLICATION. APPLICATIONS WILL NOT BE ACCEPTED FOR PROCESSING & SCHEDULING UNLESS ALL REQUIRED DOCUMENTS ARE PROVIDED.

PLEASE INCLUDE THIS CHECKLIST WITH YOUR APPLICATION. ALL DOCUMENTS ARE TO BE TYPED OR WRITTEN LEGIBLY.

<u>DOCUMENTS</u>	<u>REQUIRED</u>	<u>ENCLOSED</u>
Application Form	_____	X
3 Forms with Original Signatures	_____	
Supporting Statements - Scanned & 1 set to Zoning	_____	X
Application Fee (You will receive invoice online)	_____	
Assessor's GIS "Block Map" (Available on line or At Engineering Dept. - 147 Hampshire Street)	_____	
Dimensional Form - Refer to Cambridge Zoning Ordinance - Scanned & 1 set to Zoning (Subject to further review by Zoning Specialist)	_____	X
Ownership Certificate, Notarized - Scanned & 1 set to Zoning	_____	X
Floor Plans - Scanned & 1 set to Zoning	_____	
Elevations - Scanned & 1 set to Zoning	_____	X
Certified Plot Plan - Scanned & 1 set to Zoning (By Registered Land Surveyor)	_____	
Photographs of Property - Scanned & 1 set to Zoning	_____	X
Parking Plan (if relevant to your application) Scanned & 1 set to Zoning	_____	
<u>FOR SUBDIVISION ALSO INCLUDE:</u> Scanned & 1 set to Zoning		
Proposed Deeds	_____	
Evidence of Separate Utilities **	_____	
Proposed Subdivision Plan	_____	

Petitioners are advised to refer to Attachment A (Procedures for applying to the Board of Zoning Appeal) & consult zoning staff for review.
It is advisable for the Petitioner to discuss the petition with the abutters as listed in the Zoning BZA Case file.

* For Special Permits under Art. 4.32.G.1 (Communication Towers and Antennas), include a photo simulation.
** Can be submitted after subdivision has been approved.

November 7, 2017

Donna P. Lopez, City Clerk City of Cambridge City Hall 795 Massachusetts Avenue Cambridge, MA 02139	Constantine Alexander, Chair Board of Zoning Appeal City Hall 795 Massachusetts Avenue Cambridge, MA 02139
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Applicant: New Cingular Wireless PCS, LLC (“AT&T”)

Property Address: 5 Cambridge Parkway
Assessor’s Map 9, Lot 31 (the “Property”)

Re: Application for:
(i) Eligible Facilities Request pursuant to Section 6409 of the Middle Class Tax Relief and Job Creation Act of 2012, 47 U.S.C. § 1455; or, in the alternative,
(ii) Special Permit under Cambridge Zoning Ordinance Section 4.32(g)(1) and M.G.L. c. 40A, Section 9; and
(iii) Any other zoning relief required.
(All relief if and to the extent necessary, all rights reserved)

Dear Ms. Lopez, Mr. Alexander and Members of the Board of Zoning Appeal:

Pursuant to Section 6409 of the Middle Class Tax Relief and Job Creation Act of 2012 (a/k/a the “Spectrum Act” or “Section 6409”), 47 U.S.C. § 1455, as further implemented by the Federal Communications Commission’s Report and Order *In re Acceleration of Broadband Deployment by Improving Wireless Facilities Siting Policies*, FCC Docket No. 13-238, Report and Order No. 14-153 (October 17, 2014) (the “FCC Order”), New Cingular Wireless PCS, LLC (“AT&T”) hereby submits this Eligible Facilities Request (“Request”); and, in the alternative, applies for a special permit from the City of Cambridge Board of Zoning Appeal (the “Board”) under Section 432(g)(1) of the Cambridge Zoning Ordinance (the “Ordinance”) to modify its existing “Telephone Exchange including Transmission Facilities to serve a Mobile Communication System” (the “Facility”) on and within the existing building located at 5 Cambridge Parkway. (the “Special Permit Application”).²

² AT&T submits this Request, Special Permit application and supporting materials subject to a full and complete reservation of AT&T’s rights under the Spectrum Act and the FCC Order including without limitation its rights with respect to (i) any submittal requirements or approval criteria that are inconsistent with the prohibitions established by the FCC Order, (ii) any delay beyond the deadlines established in the FCC Order, (iii) the imposition of conditions on any approval that are inconsistent with the FCC Order, and (iv) referral or requirement to a discretionary review process such as a special permit.

Under Section 6409, AT&T's proposed modification of its existing transmission equipment on and within the existing building, previously approved by the Board for use as a wireless communication base station, does "not substantially change the physical dimensions" of the existing building. Therefore, AT&T's Request must be approved administratively, including the issuance of a building permit, to enable AT&T to make the proposed modifications to its transmission equipment.

In the alternative, as demonstrated in this application letter, the AT&T's proposed modifications to its existing Facility on the Property located in the PUD-2 & Residence C-3A zoning district satisfy the requirements for the grant of a special permit pursuant to Section 10.43 of the Ordinance.

I. APPLICATION PACKAGE

Enclosed with this application is a check payable to the City of Cambridge in the amount of \$500.00. In addition to the signed original of this letter are copies of the letter and the following materials:

1. The following completed and signed application forms:
 - a. BZA Application Form – General Information;
 - b. BZA Application Form – Ownership Information;
 - c. BZA Application Form – Dimensional Requirements;
 - d. BZA Application Form – Supporting Statement for a Special Permit; and
 - e. BZA Application Form – Check List;
2. AT&T's relevant FCC License information;
3. Drawings by Hudson Design Group consisting of 10 pages dated 9/13/17;
4. Manufacturer's specification sheets for AT&T's proposed antennas and other featured equipment;
5. Photographs of the existing building and by Hudson Design Group., dated 3/11/16;
6. Radio Frequency Coverage Report, demonstrating the public need for the proposed modifications to the Facility, to be provided upon completion, radio frequency coverage maps showing (a) existing or predicted coverage from neighboring facilities; and (b) coverage with the proposed Facility;
7. Structural Analysis by Bennett and Pless dated; October 11, 2017
8. Maximum Permissible Exposure Study, Theoretical Report, by Site Safe, to be provided upon completion;
9. Deed to subject property; and
10. Attorney General's letters to the Towns of Harvard, Lynnfield and Montague.

In addition to the supporting materials identified above, submitted simultaneously herewith is a completed building permit application package including:

1. Completed Building Permit Application;
2. Certificate of Liability Insurance;
3. Worker's Compensation Insurance Affidavit;
4. Construction Supervisor License for Mark J. Ludwig; and
5. 1 copy of the Plans.

II. PROPOSED FACILITY DESIGN

AT&T seeks to modify the existing Facility on and within the building located at the Property. The existing Facility consists of nine (9) panel antennas (Alpha Sector: 3 antennas, Beta Sector: 3 antennas, and Gamma Sector: 3 antennas) that are mounted in three (3) locations. The proposed modifications include the replacement of two (2) antennas on the Gamma sector and relocation of one (1) antenna on the Gamma sector, addition of (3) RRUs and (1) Surge Arrestor on the Gamma sector. The replacement antennas will be mounted to the existing antenna mounts or new mounts located behind the existing screen wall and consistent with the current Facility's design. Consistent with the concealment elements of the existing Facility's design, the proposed replacement antennas, three RRUs and surge arrestor will match the existing conditions.

The Facility's design is shown in detail in the Zoning Drawings attached as Exhibit 3 to this application letter and featured equipment is described in the manufacturers' specification sheets attached as Exhibit 4. The photographs (Exhibit 5) show the existing Facility from various locations in the neighborhood around the Property. A structural analysis for the Facility demonstrates that the building is capable of supporting AT&T's proposed equipment at or near the locations shown on the Zoning Drawings (*see* Exhibit 7).

The Facility will continue to bring advanced wireless voice, text and data communications services to the surrounding areas. It will allow residents, professionals, government, businesses and students to communicate locally, nationally and internationally from virtually any location within the coverage area. In the event of an emergency, the improved Facility will allow immediate contact with fire, rescue and other emergency personnel. The improved Facility will thus enhance public health, safety and welfare both in ordinary daily living and in the event of fire, accident, medical emergency, natural disaster or other dangers.

III. BACKGROUND

AT&T is licensed by the Federal Communications Commission to construct and operate a wireless telecommunications network in various markets throughout the country, including the Commonwealth of Massachusetts and the City of Cambridge. A copy of the AT&T's FCC license that covers the area of the proposed Facility is included with this application (*see* Exhibit 2). AT&T is in the process of designing and constructing additional wireless facilities to its existing telecommunications system to serve Massachusetts. One of the key design objectives of its systems is to provide adequate and reliable coverage. Such a system requires a grid of radio transmitting and receiving links located approximately .5 to 2 miles apart, depending on the location of existing and proposed installations in the surrounding area, the extent of use of AT&T's wireless services within the network, and the existing topography and obstructions. The radio transmitting and receiving facilities operate on a line-of-sight basis, requiring a clear path from the facility to the user on the ground. In urban settings, this dynamic requires the antennas to be located on buildings at heights and in locations where the signal is not obstructed or degraded by other buildings or by topographical features such as hills.

IV. RF COVERAGE DETERMINATION

AT&T has performed a study of radio frequency coverage for the City of Cambridge and from the Property, the results of which are described in the Radio Frequency Report submitted with this application (*see* Exhibit 6). Without the proposed modifications to its existing Facility, AT&T has a substantial coverage gap in this area of Cambridge including Edwin H. Land Boulevard, Cambridge Parkway, and Third Street, AT&T has determined that the proposed modifications to the existing Facility located on the building at the Property will provide needed coverage to the targeted sections of the City and the immediately surrounding area if AT&T's antennas are located on the building's roof at the height and in the configuration requested. The importance of a facility at this location is underscored by AT&T's interest in enhancing its ability to provide its most up-to-date wireless technology, known as long-term evolution technology ("LTE"), in this area to satisfy its customers' ever-increasing needs for high-speed data services. Radio frequency coverage maps included in the report are provided to pictorially and vividly show the differences in existing and proposed wireless coverage at the various bands authorized for AT&T's service. The maps show dramatic improvements to wireless coverage at all three (3) bands with the inclusion of the proposed Facility, namely, at 700, 1900, and 2100 MHz.

V. THE FEDERAL SPECTRUM ACT AND THE FCC ORDER

As set forth below, the proposed modifications constitute an Eligible Facilities Request pursuant to the federal Spectrum Act,³ as further implemented by the FCC Order.⁴

³ Pursuant to Section 6409(a)(2) an "eligible facilities request" means any request for modification of an existing wireless tower or base station that involves—

- (A) collocation of new transmission equipment;
- (B) removal of transmission equipment; or
- (C) replacement of transmission equipment.

47 U.S.C. § 1455(a)(2).

Under the Spectrum Act, as further clarified by the FCC Order, the streamlined process for this Eligible Facilities Request is limited to non-discretionary review. Specifically, the FCC Order “adopt[s] an objective standard for determining when a proposed modification will ‘substantially change the physical dimensions’ of an existing tower or base station.” *FCC Order*, ¶ 87. As stated in the FCC Order, Section 6409 “states without equivocation that the reviewing authority ‘may not deny, and shall approve’ any qualifying application. This directive leaves no room for a lengthy and discretionary approach to reviewing an application that meets the statutory criteria.” *FCC Order*, ¶ 116.

In issuing the FCC Order and eliminating discretionary review for eligible facilities requests, the FCC’s goal was to “adopt a test that is defined by specific, objective factors rather than the contextual and entirely subjective standard advocated by the IAC and municipalities.” The FCC intentionally sought to reduce “flexibility” and “open ended context-specific approach” engendered by the discretionary review process:

While we acknowledge that the IAC approach would provide municipalities with maximum flexibility to consider potential effects, we are concerned that it would invite lengthy review processes that conflict with Congress’s intent. Indeed, some municipal commenters anticipate their review of covered requests under a subjective, case-by-case approach could take even longer than their review of collocations absent Section 6409(a). We also anticipate that disputes arising from a subjective approach would tend to require longer and more costly litigation to resolve given the more fact-intensive nature of the IAC’s open-ended and context-specific approach. We find that an objective definition, by contrast, will provide an appropriate balance between municipal flexibility and the rapid deployment of covered facilities. We find further support for this approach in State statutes that have implemented Section 6409(a), all of which establish objective standards.

FCC Order, ¶ 88.

As a result, the FCC Order implementing Section 6409 establishes clear and objective criteria for determining eligibility, limits the types of information that a municipality may require when processing an application for an eligible facilities request, and imposes a “deemed granted” remedy for failure to timely process and eligible facilities request.⁵ The FCC Order also establishes significant limits on the information that can be required to be provided with an eligible facilities request and limits it to only that information “reasonably related to determining whether the request meets the requirements of this section. A State or local government may not require an applicant to submit any other documentation”. 47 CFR 1.40001(c)(1).

⁴ The Order was effective on February 9, 2015, except for § 1.40001, which became effective on April 8, 2015, except for §§ 1.40001(c)(3)(i), 1.40001(c)(3)(iii), 1.40001(c)(4), and 17.4(c)(1)(vii), which became effective on May 18, 2015, after approval by the Office of Management and Budget. The FCC Order makes clear that under the Spectrum Act discretionary review is not required or permitted for an Eligible Facilities Request.

⁵ See 47 CFR §§1.40001(c)(1) - (c)(4).

Both before and after the FCC Order was issued, the Massachusetts Attorney General's Office provided clear guidance that an eligible request cannot be subjected to a discretionary special permit process. *See* Attorney General's letters to (i) Town of Harvard, dated June 10, 2014, p. 3 (ii) Town of Lynnfield, dated February 10, 2015, p. 3 (the "AG Lynnfield Letter") and (iii) Town of Montague, dated February 23, 2015, p. 2 (all attached hereto). As set forth in each letter [t]he 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.*** (Emphasis added). In providing these opinions, the Attorney General's Office specifically opined that provisions in zoning ordinances that specifically required a special permit for modifications to existing facilities could not be applied to eligible facilities requests. While approving the Town of Lynnfield's Zoning Bylaw, the Attorney General stated that "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." *AG Lynnfield Letter*, p. 3.

Therefore, as set forth in the FCC Order and Attorney General's opinion letters, the City cannot impose a requirement that AT&T obtain a special permit, or an amendment to an existing special permit utilizing the same discretionary review process, in connection with its eligible facilities request. To the extent that the City of Cambridge's Zoning Ordinance and any prior decisions by the Board include provisions seeking to further regulate the modification of wireless communication facilities, federal law overrules those requirements. *See Sprint Spectrum L.P. v. Town of Swansea*, 574 F.Supp.2d 227, 236 (2008) (Board is obligated to consider whether its actions would violate federal law even if a different outcome would be permitted under state law). The standard of review for an application to modify an existing wireless communication facility on an existing tower or base station is governed by the Spectrum Act and the FCC Order which require eligible facilities requests to be permitted "by right."

In addition, the FCC Order establishes a 60-day period for approval from the time of AT&T's submission. 47 CFR §1.40001(c)(2). Within the context of the Spectrum Act and FCC Order, approval means all necessary approvals to permit the proposed modifications, including the issuance of a building permit, if required. The FCC found that this 60-day period is appropriate due to "the more restricted scope of review applicable to applications under section 6409(a)." *FCC Order*, ¶ 108. If the Request is not acted upon within the 60-day period, it is deemed granted. 47 CFR §1.40001(c)(4).

As set forth below, the proposed modifications constitute an eligible facilities request. Therefore, AT&T respectfully requests the Board to find that Section 4.32(g)(1) of the Ordinance does not apply to its Request.

VI. THE PROPOSED MODIFICATIONS ARE AN ELIGIBLE FACILITIES REQUEST

Under Section 6409 and the FCC Order, a “base station” means “[a] structure or equipment at a fixed location that enables Commission-licensed or authorized wireless communications between user equipment and a communications network.” 47 C.F.R §1.40001(b)(1). A Base Station includes “any structure other than a tower” that supports or houses “authorized wireless communications between user equipment and a communications network.” 47 C.F.R §1.40001(b)(1). Therefore, the existing building that is currently used for FCC-licensed transmissions for personal wireless services is a “base station” for purposes of Section 6409.

AT&T proposes to modify its existing Facility as described above and depicted on the Plans submitted herewith.

The proposed modifications will not require the installation of any part of the facility on the ground outside of the building.

As a result, AT&T’s proposed modifications involving the removal and replacement of the existing transmission equipment constitute an “eligible facilities request” under Section 6409. The proposed eligible facilities request is not a “substantial modification” under Section 6409 and the FCC Order because it does not:

- (i) Result in an increase in “the height of the structure by more than 10% or more than ten feet, whichever is greater” because the proposed replacement antennas will either be mounted and located behind the screen wall or utilize the existing equipment mounting frame that and therefore will not exceed 10 feet above the existing building;
- (ii) Protrude from the edge of the edge of the building by more than six feet because AT&T’s proposed antennas will not protrude more than six feet from building façade;
- (iii) Involve the installation of more than the standard number of new equipment cabinets for the technology involved, but not to exceed four cabinets no new radio communications equipment cabinets will be installed;
- (iv) Require any excavation or deployment outside the current site of the tower or base station because all antennas, equipment cabinets and related equipment will be installed entirely on and within the existing building; or
- (v) Otherwise defeat the existing concealment elements of the tower or base station because the proposed replacement antennas will be located behind the existing screen wall or utilize the existing mounting frame and will continue to integrate the Facility into the existing architecture of the building. . Therefore, AT&T’s proposed Facility will remain aesthetically consistent with the exterior finish of the building as well as maintain the concealment elements of the original design.

See FCC Order, §1.40001(b)(7)(i)-(v).

VII. COMPLIANCE WITH THE CAMBRIDGE ZONING ORDINANCE

In the alternative, AT&T respectfully requests the Board to grant a special permit for the proposed modifications to the existing Facility.⁶

A. AT&T complies with the Wireless Communications provisions set forth in Section 4.32(g)(1), and Section 4.40, Footnote 49 of the Ordinance.

AT&T's proposed modifications comply with Section 4.32(g)(1), and Section 4.40, Footnote 49 of the Ordinance as follows:⁷

Section 4.32(g)(1): Section 4.32(g)(1) of the Ordinance allows for the use of a “[t]elephone exchange (including switching, relay, and transmission facilities serving mobile communications systems) and any towers or antennas accessory thereto.” Under the Table of Use Regulations beginning at Section 4.30, AT&T's proposed use of the Facility as a transmission facility serving a mobile communications system is permitted by special permit in the PUD-2 & Residence C-3A zoning district (see the table at Section 4.32(g)(1)).

Section 4.40, Footnote 49: Section 4.32(g)(1) includes a reference to Section 4.40, Footnote 49 which sets out the standards for granting the special permit. AT&T's proposed Facility complies with Footnote 49's standards as noted below:

- 1. The Board of Zoning Appeal shall consider “[t]he scope of or limitations imposed by any license secured from any state or federal agency having jurisdiction over such matters.”**

AT&T's Response: AT&T's FCC license is included with this application and the license information included shows that AT&T is authorized to provide wireless service in the area served by the Facility (see Exhibit 2).

- 2. The Board of Zoning Appeal shall consider “[t]he 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 the building's roof or other features of the building as support and background, (2) through the use in 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 on the site.”**

⁶ AT&T's request is made, if and to the extent necessary, all rights reserved. As discussed above, the FCC Order establishes a 60-day period for receipt of all necessary approvals from the time of AT&T's submission, including a building permit, if required. 47 CFR §1.40001(c)(2). If the Request is not acted upon within the 60-day period, it is deemed granted. 47 CFR §1.40001(c)(4). Therefore, AT&T expressly reserves its rights under 47 CFR §1.40001(c)(2) and (4).

⁷ To the extent that Section 4.32(g)(1), and Section 4.40, Footnote 49 of the Ordinance purport to require the submission of information that is beyond the scope permitted by the FCC Order or Spectrum Act, AT&T expressly reserves, and does not waive, its right to assert that such information is not required under the Spectrum Act and the submission of such information shall not constitute a waiver of AT&T's rights pursuant thereto.

AT&T's Response: The design of the overall Facility, including the choice and placement of replacement antennas and associated equipment, behind the existing screen wall or utilizing the existing mounting frame, minimizes the visual impact of the proposed Facility. This is because the any visible antennas and equipment will be minimally visible and consistent with the elements of the existing Facility. The minimal visual impact of the Facility is shown in the photographs of the existing Facility (*see*, Exhibit 5).

- 3. The Board of Zoning Appeal shall consider “[w]here 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 finding that nonresidential uses predominate in the vicinity of the proposed facility’s location and that the telecommunications facility is not inconsistent with the character that does prevail in the surrounding neighborhood.**

In granting a special permit the Board of Zoning Appeal shall set forth in its decision under which circumstances or procedures, if any, the permittee shall be allowed to replace and upgrade its equipment without the necessity of seeking a new special permit.”

AT&T's Response: As demonstrated by the Radio Frequency Report and the associated coverage maps, AT&T has demonstrated an immediate and compelling need for the proposed modifications to its existing Facility located at the Property in order to provide substantially improved indoor coverage to residents, businesses, students and faculty, and the general public in that area.⁸ AT&T also seeks to substantially improve its ability to satisfy the ever-increasing need of its customers for data accessibility, navigation and use. This is especially critical in and around the area of Cambridge Parkway which also serves as home for numerous businesses, Lechmere T Station, and existing and future residential development. AT&T proposes to satisfy its RF coverage needs in the area by adding to the existing Facility the antennas and equipment necessary to provide the latest LTE wireless communications service technology. As a result of the use of the Property for a hotel and restaurants, and the use of the surrounding properties for multiple office buildings, restaurants, retail shops, and the Cambridgeside Galleria Mall (including multiple shops, restaurants and another hotel), the Museum of Science, and the Charlesgate Yacht Club, that nonresidential uses predominate in the vicinity of the Property. Further, by modifying its existing Facility, and obviating the need to construct an entirely new facility within this area of Cambridge in order to meet its wireless network coverage needs, AT&T’s proposed modifications to its existing Facility are consistent with the existing use and character of the neighborhood.

As provided in Footnote 49, AT&T requests that once permission is received from the City to site the Facility at the Property, the Board permit AT&T to replace and upgrade the equipment at this

⁸ AT&T must generate a signal strength of at least -74 dBm to provide serviceable voice and data coverage on its mobile wireless devices in indoor environments. AT&T also seeks to substantially improve its data navigation service coverage in the area by including antennas and equipment that will provide LTE service.

Facility in the future without further zoning proceedings or a new special permit, provided that such equipment shall meet the eligible facilities request criteria set forth in 47 CFR § 1.40001.

B. AT&T complies with the Special Permit Criteria set forth in Section 10.43 of the Ordinance.

Section 10.43 of the Ordinance specifies the following criteria for issuance of a special permit: “Special permits will normally be granted where specific provisions of this Ordinance are met, except when particulars of the location or use, not generally true of the district or of the uses permitted in it, would cause granting of such permit to be to the detriment of the public interest because:

(a) The requirements of this Ordinance cannot or will not be met, or

AT&T’s Response: As provided above, AT&T’s proposed modifications comply with the requirements set forth in Section 4.32(g), Footnote 49 of the Ordinance, the Spectrum Act and the eligible facilities request criteria set forth in 47 CFR § 1.40001. Granting the special permit would not be a detriment to the public interest and is consistent with the Board’s obligations pursuant to the Spectrum Act and FCC Order.

(b) Traffic generated or patterns of access or egress would cause congestion, hazard, or substantial change in established neighborhood character for the following reasons, or

AT&T’s Response: The proposed modifications to AT&T’s existing Facility will not result in any change to the existing traffic on or near the Property. The Facility will continue to be unmanned and only require infrequent visits by a technician (typically two times per month for routine diagnostics and/or maintenance, except in cases of emergency), there will be no material increase in traffic or disruption to patterns of access or egress that will cause congestion, hazards or a substantial change in the established neighborhood character. AT&T’s maintenance personnel will make use of the existing access roads and parking at the building. Granting the special permit would not be a detriment to the public interest and is consistent with the Board’s obligations pursuant to the Spectrum Act and FCC Order.

(c) The continued operation of or the development of adjacent uses as permitted in the Zoning Ordinance would be adversely affected by the nature of the proposed use, or

AT&T’s Response: As described above and illustrated on the attached photographs (*see* Exhibit 5) the proposed modifications to the existing Facility will result in a *de minimis* change in the appearance of the building. As a result, the Facility as a whole either will be hidden from view or will visually blend with existing characteristics of the building and the surrounding neighborhood. Because the proposed installation will not generate any traffic, smoke, dust, heat or glare, discharge noxious substances, nor pollute waterways or groundwater, it will not adversely affect residential uses on neighboring streets. Conversely, the surrounding properties

and general public will benefit from the potential to enjoy improved wireless communications services. Granting the special permit would not be a detriment to the public interest and is consistent with the Board's obligations pursuant to the Spectrum Act and FCC Order.

(d) Nuisance or hazard would 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, or

AT&T's Response: Because the proposed modifications to the existing Facility will not cause the Facility to generate any traffic, smoke, dust, heat or glare, discharge noxious substances, nor pollute waterways or groundwater, no nuisance or hazard will be created to the detriment of the health, safety, or welfare of the occupants of the building or the residents of the City of Cambridge. To the contrary, the proposed Facility will benefit the City and promote the safety and welfare of its residents, businesses and drivers by providing reliable state-of-the-art digital wireless voice and data services that will improve the reliability of emergency communications with the police and fire departments by eliminating dropped or blocked calls due to inadequate signal strength or insufficient network capacity to handle call volume, particularly important during emergency situations. The Facility, as modified, will continue to comply with all federal, state and local safety requirements including the standards established by the FCC and Federal Aviation Administration (FAA). (*See Exhibit 8 Maximum Permissible Exposure Study, Theoretical Report*). Granting the special permit would not be a detriment to the public interest and is consistent with the Board's obligations pursuant to the Spectrum Act and FCC Order.

(e) For other reasons, the proposed installation would impair the integrity of the district or adjoining district or otherwise derogate from the intent or purpose of this Ordinance, or

AT&T's Response: The purpose of the Ordinance is multifaceted, the relevant aspects of which relating to wireless telecommunications facilities include the lessening of congestion in the streets, conserving health, securing safety from fire, flood, panic and other danger, conserving the value of land and buildings and natural resources, preventing blight and pollution, encouraging the most rational use of land throughout the city, including encouraging appropriate economic development, and protecting residential neighborhoods from incompatible activities.

As noted above, the proposed modifications to the existing Facility directly accord with the purposes of the Ordinance because the modifications will not result in any traffic, smoke, dust, heat or glare, discharge noxious substances, nor pollute waterways or groundwater. As the Facility will improve the ability of residents, businesses, travelers and drivers in the area to access state-of-the-art wireless technology, the City's ability to provide emergency services will be improved, as will the economic development of the City as more people will be able to conduct commerce by virtue of a mobile platform. Because the proposed modifications to the existing Facility will be installed on an existing building that includes the Facility, and the proposed modifications are consistent with the existing concealment elements, the proposed modifications to the existing Facility are in consistent with the building's character and will not affect the value of the building or the natural resources of the City. Because the proposed modifications to the

existing Facility are designed to be consistent with the existing concealment elements of the Facility and characteristics of the Property, the visual impact on the underlying and adjacent zoning districts will be *de minimis*. As a result, the proposed modifications to the existing Facility are consistent with the Ordinance's purpose to allow for less intrusive wireless telecommunications facilities in all districts (other than Open Space) including the applicable overlay districts, and the underlying PUD-2 & Residence C-3A district. Granting the special permit would not be a detriment to the public interest and is consistent with the Board's obligations pursuant to the Spectrum Act and FCC Order.

(f) The new use or building construction is inconsistent with the Urban Design Objectives set forth in Section 19.30

AT&T's Response: As stated in the Section 19.30, the Citywide Urban Design Objectives ("Objectives") "are intended to provide guidance to property owners and the general public as to the city's policies with regard to the form and character desirable for new development in the city. It is understood that application of these principles can vary with the context of specific building proposals in ways that, nevertheless, fully respect the policies' intent. It is intended that proponents of projects, and city staff, the Planning Board and the general public, where public review or approval is required, should be open to creative variations from the detailed provisions presented in this Section as long as the core values expressed are being served. *A project need not meet all the objectives of this Section 19.30 where this Section serves as the basis for issuance of a special permit. Rather the permit granting authority shall find that on balance the objectives of the city are being served.* Nor shall a project subject to special permit review be required to conform to the Required Building and Site Plan Requirements set forth in Section 11.50." [emphasis added]. For the reasons stated in AT&T's response to this Section 10.43(f) of the Zoning Ordinance and in its application generally, "on balance, the objectives of the city are being served" by the installation of the Facility at the Property so that granting the special permit would not be a detriment to the public interest and is consistent with the Board's obligations pursuant to the Spectrum Act and FCC Order.

The following are the Objectives' headings as appearing in the Ordinance:

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

AT&T's Response: The existing Facility is located on and within the existing building, some of the equipment of which is hidden from view behind the screen wall and within the building, or otherwise obstructed from view, and the remaining equipment utilizes the existing antenna mounting frame and blends with the structures and colors of the building to the extent feasible. The proposed modifications to the existing Facility are consistent with the previously approved design and concealment elements of the existing Facility. Therefore, the proposed modifications are responsive to the existing pattern of development in the Property's applicable zoning and overlay districts.

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

AT&T's Response: The existing Facility is located on and within the existing building. The Facility is only accessed by authorized AT&T personnel for routine maintenance one to two times per month and is not accessed by the general public. The proposed modifications to the existing Facility will not result in any increase in routine visits nor otherwise result in a change in traffic patterns in the vicinity of the Property that would affect pedestrian flow or cyclists' access to the building or surrounding areas within the Property's applicable zoning districts.

19.33 The building and site design should mitigate adverse environmental impacts of a development upon its neighbors. Indicators include⁹

(1) Mechanical equipment that is carefully designed, well organized or visually screened from its surroundings and is acoustically buffered from neighbors. Consideration is given to the size, complexity and appearance of the equipment, its proximity to residential areas, and its impact on the existing streetscape and skyline. The extent to which screening can bring order, lessen negative visual impacts, and enhance the overall appearance of the equipment should be taken into account. More specifically:

(a) Reasonable attempts have been made to avoid exposing rooftop mechanical equipment to public view from city streets. Among the techniques that might be considered are the inclusion of screens or a parapet around the roof of the building to shield low ducts and other equipment on the roof from view.

(b) Treatment of the mechanical equipment (including design and massing of screening devices as well as exposed mechanical elements) that relates well to the overall design, massing, scale and character of the building.

(c) Placement of mechanical equipment at locations on the site other than on the rooftop (such as in the basement), which reduces the bulk of elements located on the roof; however, at-grade locations external to the building should not be viewed as desirable alternatives.

(d) Tall elements, such as chimneys and air exhaust stacks, which are typically carried above screening devices for functioning reasons, are carefully designed as features of the building, thus creating interest on the skyline.

(e) All aspects of the mechanical equipment have been designed with attention to their visual impact on adjacent areas, particularly with regard to residential neighborhoods and views and vistas.

AT&T's Response: As shown in the photos (*see* Exhibit 5), the existing Facility, as proposed to be modified herein, will continue to be visually consistent with the color and

⁹ Inasmuch as Section 19.33 is most relevant to the Facility, it is stated here in full.

texture of the building, the concealment elements of the design of the Facility, and with other existing wireless communications facilities from competing carriers located on the building. As a result, AT&T's Facility is in keeping with the building's existing features without adversely affecting the building's overall design, massing, scale or character.

(2) Trash that is handled to avoid impacts (noise, odor, and visual quality) on neighbors, e.g. the use of trash compactors or containment of all trash storage and handling within a building is encouraged.

AT&T's Response: The Facility does not generate trash, therefore this design objective is inapplicable.

(3) Loading docks that are located and designed to minimize impacts (visual and operational) on neighbors.

AT&T's Response: The Facility does not utilize any loading dock, therefore this design objective is inapplicable.

(4) Stormwater Best Management Practices and other measures to minimize runoff and improve water quality are implemented.

AT&T's Response: The existing Facility, and the proposed modifications, are located entirely on and within the existing Building on the Property and have no effect on stormwater runoff, therefore this design objective is inapplicable.

(5) Landscaped areas and required Green Area Open Space, in addition to serving as visual amenities, are employed to reduce the rate and volume of stormwater runoff compared to pre-development conditions.

AT&T's Response: The existing Facility and proposed modifications have no effect any landscaped or Green Area Open Space, therefore this design objective is inapplicable.

(6) The structure is designed and sited to minimize shadow impacts on neighboring lots, especially shadows that would have a significant impact on the use and enjoyment of adjacent open space and shadows that might impact the operation of a Registered Solar Energy System as defined in Section 22.60 of this Zoning Ordinance.

AT&T's Response: The existing Facility and proposed modifications are designed so as not to cause shadows on neighboring lots.

(7) Changes in grade across the lot are designed in ways that minimize the need for structural retaining walls close to property lines.

AT&T's Response: The existing Facility and proposed modifications are located entirely on and within the existing building and have no impact on the grade of the Property, therefore this design objective is inapplicable.

(8) Building scale and wall treatment, including the provision of windows, are sensitive to existing residential uses on adjacent lots.

AT&T's Response: The proposed modifications to the existing Facility will not change the building's scale because antennas and equipment will be mounted behind the existing screen wall on the building (*see* Exhibit 3). The existing Facility and proposed modifications are consistent with characteristics of the existing building design, maintain the existing concealment elements of the Facility and therefore minimize any visual impact from the Facility.

(9) Outdoor lighting is designed to provide minimum lighting and necessary to ensure adequate safety, night vision, and comfort, while minimizing light pollution.

AT&T's Response: The existing Facility does not use any outdoor lighting. The proposed modifications to the Facility do not include any additional lighting of the Facility or building. As a result, this design objective is inapplicable.

(10) The creation of a Tree Protection Plan that identifies important trees on the site, encourages their protection, or provides for adequate replacement of trees lost to development on the site.

AT&T's Response: The existing Facility and proposed modifications are located entirely on and within the existing building and have no effect on any trees on the Property, therefore this design objective is inapplicable.

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

AT&T's Response: The existing Facility, including the proposed modifications, is a passive use and will not generate trash, odor, excess noise, or utilize water or wastewater services. As such, it will not burden the City's infrastructure services.

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

AT&T's Response: The proposed modification of the existing Facility located on and within the existing building, will obviate the need for AT&T to construct an additional Facility to address its wireless network coverage need in this area of Cambridge. The existing Facility and the proposed modifications blend the equipment with the building texture and color, and are consistent with the concealment elements of the Facility's design. As a result, the Facility will reinforce the existing Cambridge landscape as it currently is manifested at the Property.

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

AT&T's Response: The Facility and proposed modifications provide wireless services and will not adversely impact the City's housing inventory.

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

AT&T's Response: The Facility and proposed modifications are located on and within the existing building. The Facility and proposed modifications will not adversely impact or otherwise reduce open space amenities within the City.

VIII. SUMMARY

For the foregoing reasons AT&T respectfully requests that the Board to determine that pursuant to the Spectrum Act and the FCC Order, the Request constitutes and eligible facilities request and therefore AT&T's Request must be approved administratively, including the issuance of a building permit, without the need for further relief from the Board. In the alternative, without waiving its rights, AT&T requests the Board grant the foregoing zoning relief in the form of a Special Permit and such other relief as the Board deems necessary to allow the modification and operation of AT&T's proposed Facility.

Best Regards,



Kristen LeDuc
Authorized Agent to New Cingular Wireless PCS, LLC ("AT&T")

cc: Brian S. Grossman, Esq.

ULS License

Wireless Communications Service License - KNLB200 - New Cingular Wireless PCS, LLC

PA This license has pending applications: 0007815643

Call Sign	KNLB200	Radio Service	WS - Wireless Communications Service
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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	MEA001 - Boston	Channel Block	B
Submarket	0	Associated Frequencies (MHz)	002310.00000000- 002315.00000000- 002355.00000000- 002360.00000000

Dates

Grant	09/27/2010	Expiration	07/21/2017
Effective	07/21/2017	Cancellation	

Buildout Deadlines

1st	03/13/2017	2nd	09/13/2019
-----	------------	-----	------------

Notification Dates

1st	03/03/2017	2nd	
-----	------------	-----	--

Licensee

FRN	0003291192	Type	Limited Liability Company
-----	------------	------	---------------------------

Licensee

New Cingular Wireless PCS, LLC
208 S. Akard St., RM 1016
Dallas, TX 75202
ATTN Leslie A. Wilson

P:(855)699-7073
F:(214)746-6410
E:FCCMW@att.com

Contact

AT&T Mobility LLC

1120 20th Street, NW - Suite 1000
Washington, DC 20036
ATTN Michael P. Goggin

P:(202)457-2055
F:(202)457-3073
E:michael.p.goggin@att.com

Ownership and Qualifications

Radio Service Type Fixed, Mobile

Regulatory Status Common Carrier, Interconnected Yes
 Non-Common
 Carrier

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.

Tribal Land Bidding Credits

This license did not have tribal land bidding credits.

Demographics

Race

Ethnicity

Gender

ULS License

Wireless Communications Service License - KNLB200 - New Cingular Wireless PCS, LLC

Administraction

Call Sign	KNLB200	Radio Service	WS - Wireless Communications Service
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Applications

Receipt Date	File Number and Type	Status
07/20/2017	0007861430 AU - Administrative Update	Granted
06/15/2017	0007815643 RO - Renewal Only	Pending
03/03/2017	0007685537 NT - Required Notification (1)	Accepted

All Applications (33)

Automated Letters and Authorizations

04/24/2017	6251956 Renewal Reminder
12/13/2016	6211815 Construct/Coverage Reminder
12/13/2016	6211814 Construct/Coverage Reminder

All Automated Letters and Authorizations (11)

Comments

10/25/2013	Construction/Coverage deadlines revised pursuant to WCS Order on Reconsideration, FCC 12-130, published in the Federal Register February 13, 2013.
08/11/2010	Construction/Coverage deadlines added pursuant to Report and Order, FCC 10-82, published in the Federal Register August 2, 2010.
06/29/2010	Buildout Deadline removed per Report and Order, WT Docket No. 07-293, FCC 10-82 (rel. May 20, 2010).

History

07/21/2017	Administrative Update Applied
04/24/2017	Renewal Reminder Letter Sent
12/13/2016	Construction/Coverage Reminder Letter Sent

All History (42)

Special Conditions

Refer to Locations and Frequencies Tabs for special conditions at those levels

This authorization is subject to the condition that, in the event that systems using the same frequencies as granted herein are authorized in an adjacent foreign territory (Canada/Mexico), future coordination of any base station transmitters shall be required to eliminate any harmful interference to operations in the adjacent foreign territory and to ensure continuance of equal access to the frequencies by both countries.

This authorization is subject to the condition that the remaining balance of the winning bid amount will be paid in accordance with Part 1 of the Commission's rules, 47 C.F.R. Part 1.

Spectrum Lease associated with this license. See Spectrum Leasing Arrangement Letter dated 04/01/2005 and File No. 0001999501.

All Special Conditions (6)

Attachments

Type	Description	Date Entered
Other	Spectrum Lease Arrangement - L1	04/01/2005

ULS License

Wireless Communications Service License - KNLB297 - New Cingular Wireless PCS, LLC

PA This license has pending applications: 0007806664

Call Sign	KNLB297	Radio Service	WS - Wireless Communications Service
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	REA001 - Northeast	Channel Block	D
Submarket	0	Associated Frequencies (MHz)	002345.00000000-002350.00000000

Dates

Grant	09/27/2010	Expiration	07/21/2017
Effective	07/21/2017	Cancellation	

Buildout Deadlines

1st	2nd	09/13/2021
-----	-----	------------

Notification Dates

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

Licensee

FRN	0003291192	Type	Limited Liability Company
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Licensee

New Cingular Wireless PCS, LLC 208 S. Akard St., RM 1016 Dallas, TX 75202 ATTN Leslie A. Wilson	P:(855)699-7073 F:(214)746-6410 E:FCCMW@att.com
--	---

Contact

AT&T Mobility LLC 1120 20th Street, NW - Suite 1000 Washington, DC 20036 ATTN Michael P. Goggin	P:(202)457-2055 F:(202)457-3073 E:michael.p.goggin@att.com
--	--

Ownership and Qualifications

Radio Service Type	Fixed, Mobile
Regulatory Status	Common Carrier, Interconnected Yes

Non-Common
Carrier

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.

Tribal Land Bidding Credits

This license did not have tribal land bidding credits.

Demographics

Race

Ethnicity

Gender



Universal Licensing System

FCC > WTB > ULS > Online Systems > License Search

[FCC Site Map](#)

Wireless Communications Service License - KNLB297 - New Cingular Wireless PCS, LLC

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Administration

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- MAIN**
- ADMIN**
- MARKET
- MAP

Call Sign: KNLB297 Radio Service: WS - Wireless Communications Service

Applications

Receipt Date	File Number and Type	Status
07/20/2017	0007861440 AU - Administrative Update	Granted
06/09/2017	0007806664 RO - Renewal Only	Pending
09/19/2016	0007462519 AU - Administrative Update	Granted

[All Applications \(52\)](#)

Automated Letters and Authorizations

- 04/24/2017 [6251980 Renewal Reminder -- Licensee](#)
[6251980 Renewal Reminder -- Contact](#)
- 04/01/2017 [Authorization -- Licensee](#)
- 12/13/2016 [6211815 Construct/Coverage Reminder -- Contact](#)

[All Automated Letters and Authorizations \(11\)](#)

Comments

- 03/31/2017 Pursuant to DA 17-78, licensee is required to submit interim status reports by each of the following dates: Sept. 13, 2017; Sept. 13, 2019, and Sept. 13, 2020.
- 01/25/2017 Pursuant to DA 17-78, licensee's interim construction deadline is waived, and end-of-term deadline is extended until Sept. 13, 2021
- 10/25/2013 Construction/Coverage deadlines revised pursuant to WCS Order on Reconsideration, FCC 12-130, published in the Federal Register February 13, 2013.

[All Comments \(5\)](#)

History

- 07/21/2017 Administrative Update Applied
- 04/24/2017 Renewal Reminder Letter Sent
- 04/01/2017 Paperless Authorization Printed

[All History \(54\)](#)

Special Conditions

Refer to Locations and Frequencies Tabs for special conditions at those levels

License renewal is granted on a conditional basis, subject to the outcome of FCC proceeding WT Docket No. 10-112 (see FCC 10-86, paras. 113 and 126).

Pursuant to WCS Order on Reconsideration, FCC 12-130, in order to obtain a renewal expectancy at the 7/21/17 renewal deadline, a licensee must, for each license area, certify that it has maintained, or

exceeded, the level of coverage demonstrated for that license area at the 3/13/2017 construction deadline.

License renewal granted on a conditional basis, subject to the outcome of FCC proceeding WT Docket No. 10-112 (see FCC 10-86, paras. 113 and 126).

Attachments

Type	Description	Date Entered
Pleading - Status Report	WCS C and D Block First Progress Report	09/13/2017
Other	Order DA 17-78	03/31/2017

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By Call Sign =

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Federal Communications Commission
445 12th Street SW
Washington, DC 20554

Phone: 1-877-480-3201
TTY: 1-717-338-2824
[Submit Help Request](#)

ULS License

Wireless Communications Service License - WPQL634 - New Cingular Wireless Services, Inc.

PA This license has pending applications: 0007789910

Call Sign	WPQL634	Radio Service	WS - Wireless Communications Service
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	REA001 - Northeast	Channel Block	C
Submarket	7	Associated Frequencies (MHz)	002315.00000000-002320.00000000

Dates

Grant	09/27/2010	Expiration	07/21/2017
Effective	07/06/2017	Cancellation	

Buildout Deadlines

1st	2nd	09/13/2021
-----	-----	------------

Notification Dates

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

Licensee

FRN	0004122032	Type	Corporation
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Licensee

New Cingular Wireless Services, Inc. 208 S. Akard St., RM 1016 Dallas, TX 75202 ATTN Leslie A. Wilson	P:(855)699-7073 F:(214)746-6410 E:FCCMW@att.com
--	---

Contact

AT&T Mobility LLC 1120 20th Street, NW Washington, DC 20036 ATTN Michael P. Goggin	P:(202)457-2055 F:(202)457-3074 E:michael.p.goggin@cingular.com
---	---

Ownership and Qualifications

Radio Service Type	Fixed, 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.

Tribal Land Bidding Credits

This license did not have tribal land bidding credits.

Demographics

Race

Ethnicity

Gender



Universal Licensing System

[FCC](#) > [WTB](#) > [ULS](#) > [Online Systems](#) > License Search

[FCC Site Map](#)

Wireless Communications Service License - WPQL634 - New Cingular Wireless Services, Inc.

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Administration

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- MAIN
- ADMIN
- MARKET
- MAP
- LEASES

Call Sign: WPQL634 Radio Service: WS - Wireless Communications Service

Applications

Receipt Date	File Number and Type	Status
07/12/2017	0007852939 AU - Administrative Update	Dismissed
07/05/2017	0007842921 AU - Administrative Update	Granted
05/26/2017	0007789910 RO - Renewal Only	Pending

[All Applications \(41\)](#)

Automated Letters and Authorizations

04/24/2017	6252067 Renewal Reminder -- Licensee 6252067 Renewal Reminder -- Contact
04/01/2017	Authorization -- Licensee
12/30/2016	Authorization -- Licensee

[All Automated Letters and Authorizations \(19\)](#)

Comments

03/31/2017	Pursuant to DA 17-78, licensee is required to submit interim status reports by each of the following dates: Sept. 13, 2017; Sept. 13, 2019, and Sept. 13, 2020.
01/25/2017	Pursuant to DA 17-78, licensee's interim construction deadline is waived, and end-of-term deadline is extended until Sept. 13, 2021
10/25/2013	Construction/Coverage deadlines revised pursuant to WCS Order on Reconsideration, FCC 12-130, published in the Federal Register February 13, 2013.

[All Comments \(5\)](#)

History

07/06/2017	Administrative Update Applied
04/24/2017	Renewal Reminder Letter Sent
04/01/2017	Paperless Authorization Printed

[All History \(64\)](#)

Special Conditions

Refer to Locations and Frequencies Tabs for special conditions at those levels

This authorization is subject to the condition that, in the event that systems using the same frequencies as granted herein are authorized in an adjacent foreign territory (Canada/Mexico), future coordination of any base station transmitters shall be required to eliminate any harmful interference to operations in the adjacent foreign territory and to ensure continuance of equal access to the frequencies by both countries.

This authorization is subject to the condition that the remaining balance of the winning bid amount will be paid in accordance with Part 1 of the Commission's rules, 47 C.F.R. Part 1.

This license is conditioned upon compliance with the provisions of Applications of AT&T Wireless Services, Inc. and Cingular Wireless Corporation For Consent to Transfer Control of Licenses and Authorizations, Memorandum Opinion and Order, FCC 04-255 (rel. Oct. 26, 2004).

[All Special Conditions \(7\)](#)

Attachments

Type	Description	Date Entered
Pleading - Status Report	WCS C and D Block First Progress Report	09/13/2017
Other	Order DA 17-78	03/31/2017

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Federal Communications Commission
445 12th Street SW
Washington, DC 20554

Phone: 1-877-480-3201
TTY: 1-717-338-2824
[Submit Help Request](#)

ULS License

PCS Broadband License - KNLF216 - New Cingular Wireless PCS, LLC

Call Sign	KNLF216	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	MTA008 - Boston-Providence	Channel Block	A
Submarket	17	Associated Frequencies (MHz)	001850.00000000- 001865.00000000- 001930.00000000- 001945.00000000

Dates

Grant	06/02/2015	Expiration	06/23/2025
Effective	06/13/2017	Cancellation	

Buildout Deadlines

1st	06/23/2000	2nd	06/23/2005
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Notification Dates

1st	06/28/2000	2nd	03/08/2005
-----	------------	-----	------------

Licensee

FRN	0003291192	Type	Limited Liability Company
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Licensee

New Cingular Wireless PCS, LLC 208 S Akard St., RM 1016 Dallas, TX 75202 ATTN Leslie Wilson	P:(855)699-7073 F:(214)746-6410 E:FCCMW@att.com
--	---

Contact

AT&T Mobility LLC Michael P Goggin 1120 20th Street, NW - Suite 1000 Washington, DC 20036 ATTN FCC GROUP	P:(202)457-2055 F:(202)457-3073 E:michael.p.goggin@att.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.

Tribal Land Bidding Credits

This license did not have tribal land bidding credits.

Demographics

Race

Ethnicity

Gender

ULS License

PCS Broadband License - KNLF216 - New Cingular Wireless PCS, LLC

Administration

Call Sign	KNLF216	Radio Service	CW - PCS Broadband
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Applications

Receipt Date	File Number and Type	Status
06/12/2017	0007809359 AU - Administrative Update	Granted
09/19/2016	0007462065 AU - Administrative Update	Granted
03/25/2015	0006725152 RO - Renewal Only	Granted

All Applications (146)

Automated Letters and Authorizations

06/03/2015	Authorization
03/28/2009	Authorization
03/13/2008	Authorization

All Automated Letters and Authorizations (9)

Comments

01/20/2006	KNLF216 was consolidated with WPXL245 per an assignment of authorization application (See File No. 0002390623).
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History

06/13/2017	Administrative Update Applied
09/20/2016	Administrative Update Applied
09/19/2016	Application receipt email sent: ULS email

All History (146)

Special Conditions

Refer to Locations and Frequencies Tabs for special conditions at those levels

This license is conditioned upon compliance with the provisions of Applications of AT&T Wireless Services, Inc. and Cingular Wireless Corporation For Consent to Transfer Control of Licenses and Authorizations, Memorandum Opinion and Order, FCC 04-255 (rel. Oct. 26, 2004).

Commission approval of this application and the licenses contained therein are subject to the conditions set forth in the Memorandum Opinion and Order, adopted on December 29, 2006 and released on March 26, 2007, and revised in the Order on Reconsideration, adopted and released on March 26, 2007. See AT&T Inc. and BellSouth Corporation Application for Transfer of Control, WC Docket No. 06-74, Memorandum Opinion and Order, FCC 06-189 (rel. Mar. 26, 2007); AT&T Inc. and BellSouth Corporation, WC Docket No. 06-74, Order on Reconsideration, FCC 07-44 (rel. Mar. 26, 2007).

License renewal granted on a conditional basis, subject to the outcome of FCC proceeding WT Docket No. 10-112 (see FCC 10-86, paras. 113 and 126).

Attachments

Type	Description	Date Entered
None		

PROJECT INFORMATION

SCOPE OF WORK: ITEMS TO BE MOUNTED ON THE EXISTING ROOFTOP:
 (1) LTE BWE ANTENNA, (1) LTE 3C ANTENNA, (1) SURGE ARRESTOR, (2) DC POWER CABLES, (1) FIBER RUN, & (3) RRH'S

ITEMS TO BE INSTALLED INSIDE THE EXISTING AT&T EQUIPMENT AREA:
 (1) DUL-DUS UPGRADE, (1) DUS, (1) ARGUS CONVERTER MODULE, & (1) XMU WITHIN EXISTING LTE RACK. (3) 25A BREAKERS

ITEMS TO REMAIN:
 (5) GSM/UMTS ANTENNAS, (2) LTE ANTENNAS, (5) RRH'S, (6) TMA'S, (4) DIPLEXERS, (12) LINES OF 1-5/8" COAX (1) 10E FIBER POWER CONNECTOR, (2) 9E SURGE ARRESTORS, (2) DC POWER CABLES, & (1) FIBER RUN.

ITEMS TO BE REMOVED:
 (1) LTE ANTENNA, (1) GSM ANTENNA, (2) DIPLEXERS, (1) RRS-11 & (1) 9E SURGE ARRESTOR

PTN: 2101A06IYA (LTE BWE) 2101A03JLL (LTE 3C)
 RFDS REVISION(LTE BWE): FINAL DATE: 09/01/2017
 RFDS REVISION(LTE 3C): FINAL DATE: 09/01/2017

SITE ADDRESS: 5 CAMBRIDGE PARKWAY
 CAMBRIDGE, MA 02142

LATITUDE: 42.366938° N, 42° 22' 00.98" N
 LONGITUDE: 71.074716° W, 71° 4' 28.977" W
 USID: 54479
 LANDLORD: ROYAL SONESTA HOTEL
 TYPE OF SITE: ROOFTOP
 ROOFTOP HEIGHT: 122'-0"±
 RAD CENTER: 134'-6"± (ALPHA & GAMMA), 130'-7"± (BETA)
 CURRENT USE: TELECOMMUNICATIONS FACILITY
 PROPOSED USE: TELECOMMUNICATIONS FACILITY



FA NUMBER: 10007272
SITE NUMBER: MAL02038
SITE NAME: SONESTA
5 CAMBRIDGE PARKWAY
CAMBRIDGE, MA 02142
PACE ID (LTE BWE): MRCTB019058
PACE ID (LTE 3C) MRCTB016508
PROJECT: LTE 3C/BWE

PROJECT TEAM

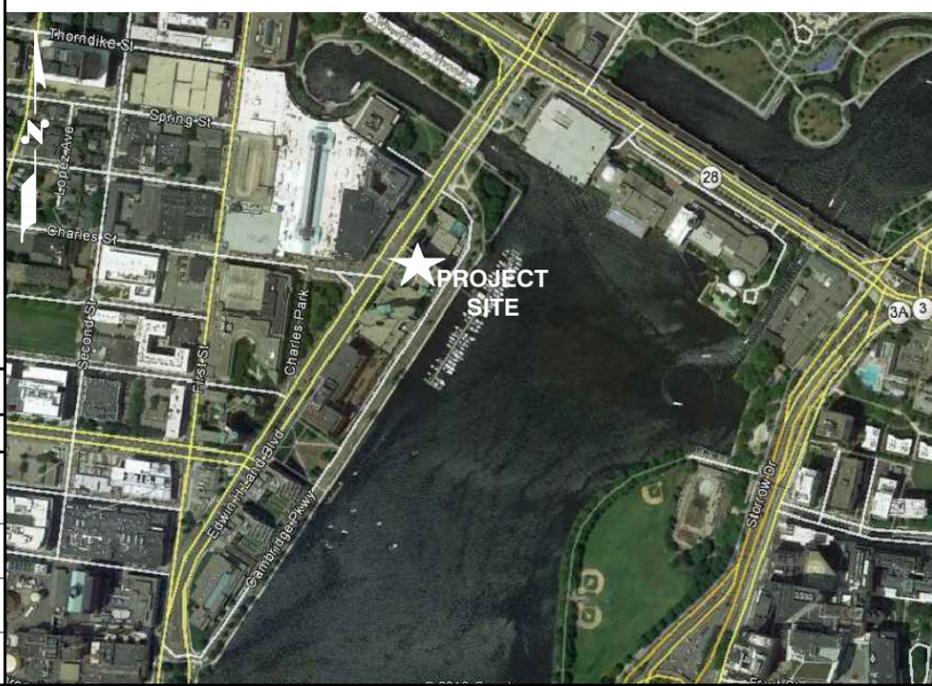
CLIENT REPRESENTATIVE	RF ENGINEER
COMPANY: SMARTLINK, LLC ADDRESS: 1997 ANNAPOLIS EXCHANGE PARKWAY, SUITE 200 CITY, STATE, ZIP: ANNAPOLIS, MD 21401 CONTACT: TIM BOYCE PHONE: (908) 333-3640 E-MAIL: tboyce@smartlinkllc.com	COMPANY: AT&T MOBILITY – NEW ENGLAND ADDRESS: 550 COCHITUATE ROAD SUITE 550 13 AND 14 CITY, STATE, ZIP: FRAMINGHAM, MA 01701 CONTACT: CAMERON SYME PHONE: (508) 596-7146 E-MAIL: cs6970@att.com
SITE ACQUISITION	CONSTRUCTION MANAGER
COMPANY: SMARTLINK, LLC ADDRESS: 85 RANGEWAY RD, SUITE 102 CITY, STATE, ZIP: NORTH BILLERICA, MA 01862 CONTACT: SHARON R. KEEFE PHONE: (978) 930-3918 E-MAIL: sharon.keefe@smartlinkllc.com	COMPANY: SMARTLINK, LLC. ADDRESS: 85 RANGEWAY RD, SUITE 102 CITY, STATE, ZIP: NORTH BILLERICA, MA 01862 CONTACT: MARK J. DONNELLY PHONE: (617) 515-2080 E-MAIL: mark.donnely@smartlinkllc.com
ENGINEERING	
COMPANY: HUDSON DESIGN GROUP, LLC. ADDRESS: 1600 OSGOOD STREET BUILDING 20 NORTH, SUITE 3090 CITY, STATE, ZIP: NORTH ANDOVER, MA 01845 CONTACT: DANIEL P. HAMM, PE PHONE: (978) 557-5553 E-MAIL: info@hudsondesigngroupllc.com	

DRAWING INDEX

SHEET NO.	DESCRIPTION	REV.
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C-1	SITE PLAN	3
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A-2	ELEVATIONS	3
A-3	ELEVATIONS	3
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VICINITY MAP

DIRECTIONS TO SITE:
 DEPART LEGGAT MCCALL CONNECTOR RD TOWARD SPEEN ST. 0.2 MI. TURN RIGHT ONTO SPEEN ST 0.4 MI. TURN RIGHT ONTO COCHITUATE RD / MA-30 E. 0.1 MI. TURN RIGHT ONTO I-90 E / MASS PIKE / MASSACHUSETTS TURNPIKE TOWARD I-95 / BOSTON (PORTIONS TOLL). 14.7 MI. TAKE EXIT 18 ON THE LEFT TOWARD CAMBRIDGE / SOMERVILLE. 0.5 MI. MERGE ONTO CAMBRIDGE ST. 0.0 MI. CAMBRIDGE ST BECOMES RIVER ST / RIVER ST BRIDGE. 0.0 MI. TURN RIGHT ONTO MEMORIAL DR / US-3 / MA-2. CONTINUE TO FOLLOW MEMORIAL DR. 2.5 MI. TURN RIGHT ONTO CAMBRIDGE PKWY. 0.3 MI. ARRIVE AT 5 CAMBRIDGE PKWY.



GENERAL NOTES

- THIS DOCUMENT IS THE CREATION, DESIGN, PROPERTY AND COPYRIGHTED WORK OF AT&T. ANY DUPLICATION OR USE WITHOUT EXPRESS WRITTEN CONSENT IS STRICTLY PROHIBITED. DUPLICATION AND USE BY GOVERNMENT AGENCIES FOR THE PURPOSES OF CONDUCTING THEIR LAWFULLY AUTHORIZED REGULATORY AND ADMINISTRATIVE FUNCTIONS IS SPECIFICALLY ALLOWED.
- THE FACILITY IS AN UNMANNED PRIVATE AND SECURED EQUIPMENT INSTALLATION. IT IS ONLY ACCESSED BY TRAINED TECHNICIANS FOR PERIODIC ROUTINE MAINTENANCE AND THEREFORE DOES NOT REQUIRE ANY WATER OR SANITARY SEWER SERVICE. THE FACILITY IS NOT GOVERNED BY REGULATIONS REQUIRING PUBLIC ACCESS PER ADA REQUIREMENTS.
- CONTRACTOR SHALL VERIFY ALL PLANS AND EXISTING DIMENSIONS AND CONDITIONS ON THE JOB SITE AND SHALL IMMEDIATELY NOTIFY THE AT&T MOBILITY REPRESENTATIVE IN WRITING OF DISCREPANCIES BEFORE PROCEEDING WITH THE WORK OR BE RESPONSIBLE FOR SAME.

APPROVALS

DISCIPLINE:	SIGNATURE:	DATE:
THE FOLLOWING PARTIES HEREBY APPROVE AND ACCEPT THESE DOCUMENTS & AUTHORIZE THE SUBCONTRACTOR TO PROCEED WITH CONSTRUCTION DESCRIBED HEREIN. ALL DOCUMENTS ARE SUBJECT TO REVIEW BY THE LOCAL BUILDING DEPARTMENT & MAY IMPOSE CHANGES OR MODIFICATIONS.		
SMARTLINK SITE ACQUISITION:		
SMARTLINK CONSTRUCTION MANAGER:		
AT&T PROJECT MANAGER:		

1600 OSGOOD STREET
 BUILDING 20 NORTH, SUITE 3090
 N. ANDOVER, MA 01845
 TEL: (978) 557-5553
 FAX: (978) 336-5586

1997 ANNAPOLIS EXCHANGE PKWY
 SUITE 200
 ANNAPOLIS, MD 21401

SITE NUMBER: MAL02038
SITE NAME: SONESTA

5 CAMBRIDGE PARKWAY
 CAMBRIDGE, MA 02142
 MIDDLESEX COUNTY

550 COCHITUATE ROAD
 FRAMINGHAM, MA 01701

NO.	DATE	REVISIONS	BY	CHK	APP'D
3	09/13/17	CONSTRUCTION REVISED	AN	HC	D&C
2	08/21/17	CONSTRUCTION REVISED	AN	HC	D&C
1	05/16/17	ISSUED FOR CONSTRUCTION	RB	HC	D&C
0	02/24/17	ISSUED FOR REVIEW	RB	HC	D&C

SCALE: AS SHOWN DESIGNED BY: HC DRAWN BY: RB



AT&T

TITLE SHEET
(LTE 3C/BWE)

SITE NUMBER	DRAWING NUMBER	REV
MAL02038	T-1	3

GROUNDING NOTES

1. THE SUBCONTRACTOR SHALL REVIEW AND INSPECT THE EXISTING FACILITY GROUNDING SYSTEM AND LIGHTNING PROTECTION SYSTEM (AS DESIGNED AND INSTALLED) FOR STRICT COMPLIANCE WITH THE NEC (AS ADOPTED BY THE AHJ), THE SITE-SPECIFIC (UL, LPI, OR NFPA) LIGHTING PROTECTION CODE, AND GENERAL COMPLIANCE WITH TELCORDIA AND TIA GROUNDING STANDARDS. THE SUBCONTRACTOR SHALL REPORT ANY VIOLATIONS OR ADVERSE FINDINGS TO THE CONTRACTOR FOR RESOLUTION.
2. ALL GROUND ELECTRODE SYSTEMS (INCLUDING TELECOMMUNICATION, RADIO, LIGHTNING PROTECTION, AND AC POWER GES'S) SHALL BE BONDED TOGETHER, AT OR BELOW GRADE, BY TWO OR MORE COPPER BONDING CONDUCTORS IN ACCORDANCE WITH THE NEC.
3. THE SUBCONTRACTOR SHALL PERFORM IEEE FALL-OF-POTENTIAL RESISTANCE TO EARTH TESTING (PER IEEE 1100 AND 81) FOR NEW GROUND ELECTRODE SYSTEMS. THE SUBCONTRACTOR SHALL FURNISH AND INSTALL SUPPLEMENTAL GROUND ELECTRODES AS NEEDED TO ACHIEVE A TEST RESULT OF 5 OHMS OR LESS.
4. METAL RACEWAY SHALL NOT BE USED AS THE NEC REQUIRED EQUIPMENT GROUND CONDUCTOR. STRANDED COPPER CONDUCTORS WITH GREEN INSULATION, SIZED IN ACCORDANCE WITH THE NEC, SHALL BE FURNISHED AND INSTALLED WITH THE POWER CIRCUITS TO BTS EQUIPMENT.
5. EACH BTS CABINET FRAME SHALL BE DIRECTLY CONNECTED TO THE MASTER GROUND BAR WITH GREEN INSULATED SUPPLEMENTAL EQUIPMENT GROUND WIRES, 6 AWG STRANDED COPPER OR LARGER FOR INDOOR BTS 2 AWG STRANDED COPPER FOR OUTDOOR BTS.
6. EXOTHERMIC WELDS SHALL BE USED FOR ALL GROUNDING CONNECTIONS BELOW GRADE.
7. APPROVED ANTIOXIDANT COATINGS (I.E., CONDUCTIVE GEL OR PASTE) SHALL BE USED ON ALL COMPRESSION AND BOLTED GROUND CONNECTIONS.
8. ICE BRIDGE BONDING CONDUCTORS SHALL BE EXOTHERMICALLY BONDED OR BOLTED TO GROUND BAR.
9. ALUMINUM CONDUCTOR OR COPPER CLAD STEEL CONDUCTOR SHALL NOT BE USED FOR GROUNDING CONNECTIONS.
10. MISCELLANEOUS ELECTRICAL AND NON-ELECTRICAL METAL BOXES, FRAMES AND SUPPORTS SHALL BE BONDED TO THE GROUND RING, IN ACCORDANCE WITH THE NEC.
11. METAL CONDUIT SHALL BE MADE ELECTRICALLY CONTINUOUS WITH LISTED BONDING FITTINGS OR BY BONDING ACROSS THE DISCONTINUITY WITH 6 AWS COPPER WIRE UL APPROVED GROUNDING TYPE CONDUIT CLAMPS.
12. ALL NEW STRUCTURES WITH A FOUNDATION AND/OR FOOTING HAVING 20 FT. OR MORE OF 1/2 IN. OR GREATER ELECTRICALLY CONDUCTIVE REINFORCING STEEL MUST HAVE IT BONDED TO THE GROUND RING USING AN EXOTHERMIC WELD CONNECTION USING #2 AWG SOLID BARE TINNED COPPER GROUND WIRE, PER NEC 250.50

GENERAL NOTES

1. FOR THE PURPOSE OF CONSTRUCTION DRAWING, THE FOLLOWING DEFINITIONS SHALL APPLY:
 CONTRACTOR – SMARTLINK
 SUBCONTRACTOR – GENERAL CONTRACTOR (CONSTRUCTION)
 OWNER – AT&T MOBILITY
2. PRIOR TO THE SUBMISSION OF BIDS, THE BIDDING SUBCONTRACTOR SHALL VISIT THE CELL SITE TO FAMILIARIZE WITH THE EXISTING CONDITIONS AND TO CONFIRM THAT THE WORK CAN BE ACCOMPLISHED AS SHOWN ON THE CONSTRUCTION DRAWINGS. ANY DISCREPANCY FOUND SHALL BE BROUGHT TO THE ATTENTION OF CONTRACTOR.
3. ALL MATERIALS FURNISHED AND INSTALLED SHALL BE IN STRICT ACCORDANCE WITH ALL APPLICABLE CODES, REGULATIONS, AND ORDINANCES. SUBCONTRACTOR SHALL ISSUE ALL APPROPRIATE NOTICES AND COMPLY WITH ALL LAWS, ORDINANCES, RULES, REGULATIONS, AND LAWFUL ORDERS OF ANY PUBLIC AUTHORITY REGARDING THE PERFORMANCE OF THE WORK. ALL WORK CARRIED OUT SHALL COMPLY WITH ALL APPLICABLE MUNICIPAL AND UTILITY COMPANY SPECIFICATIONS AND LOCAL JURISDICTIONAL CODES, ORDINANCES AND APPLICABLE REGULATIONS.
4. DRAWINGS PROVIDED HERE ARE NOT TO BE SCALED AND ARE INTENDED TO SHOW OUTLINE ONLY.
5. UNLESS NOTED OTHERWISE, THE WORK SHALL INCLUDE FURNISHING MATERIALS, EQUIPMENT, APPURTENANCES, AND LABOR NECESSARY TO COMPLETE ALL INSTALLATIONS AS INDICATED ON THE DRAWINGS.
6. "KITTING LIST" SUPPLIED WITH THE BID PACKAGE IDENTIFIES ITEMS THAT WILL BE SUPPLIED BY CONTRACTOR. ITEMS NOT INCLUDED IN THE BILL OF MATERIALS AND KITTING LIST SHALL BE SUPPLIED BY THE SUBCONTRACTOR.
7. THE SUBCONTRACTOR SHALL INSTALL ALL EQUIPMENT AND MATERIALS IN ACCORDANCE WITH MANUFACTURER'S RECOMMENDATIONS UNLESS SPECIFICALLY STATED OTHERWISE.
8. IF THE SPECIFIED EQUIPMENT CANNOT BE INSTALLED AS SHOWN ON THESE DRAWINGS, THE SUBCONTRACTOR SHALL PROPOSE AN ALTERNATIVE INSTALLATION SPACE FOR APPROVAL BY THE CONTRACTOR.
9. SUBCONTRACTOR SHALL DETERMINE ACTUAL ROUTING OF CONDUIT, POWER AND T1 CABLES, GROUNDING CABLES AS SHOWN ON THE POWER, GROUNDING AND TELCO PLAN DRAWING. SUBCONTRACTOR SHALL UTILIZE EXISTING TRAYS AND/OR SHALL ADD NEW TRAYS AS NECESSARY. SUBCONTRACTOR SHALL CONFIRM THE ACTUAL ROUTING WITH THE CONTRACTOR.
10. THE SUBCONTRACTOR SHALL PROTECT EXISTING IMPROVEMENTS, PAVEMENTS, CURBS, LANDSCAPING AND STRUCTURES. ANY DAMAGED PART SHALL BE REPAIRED AT SUBCONTRACTOR'S EXPENSE TO THE SATISFACTION OF OWNER.
11. SUBCONTRACTOR SHALL LEGALLY AND PROPERLY DISPOSE OF ALL SCRAP MATERIALS SUCH AS COAXIAL CABLES AND OTHER ITEMS REMOVED FROM THE EXISTING FACILITY. ANTENNAS REMOVED SHALL BE RETURNED TO THE OWNER'S DESIGNATED LOCATION.
12. SUBCONTRACTOR SHALL LEAVE PREMISES IN CLEAN CONDITION.
13. ALL CONCRETE REPAIR WORK SHALL BE DONE IN ACCORDANCE WITH AMERICAN CONCRETE INSTITUTE (ACI) 301.

14. ANY NEW CONCRETE NEEDED FOR THE CONSTRUCTION SHALL BE AIR-ENTRAINED AND SHALL HAVE 4000 PSI STRENGTH AT 28 DAYS. ALL CONCRETE WORK SHALL BE DONE IN ACCORDANCE WITH ACI 318 CODE REQUIREMENTS.
15. ALL STRUCTURAL STEEL WORK SHALL BE DETAILED, FABRICATED AND ERECTED IN ACCORDANCE WITH AISC SPECIFICATIONS. ALL STRUCTURAL STEEL SHALL BE ASTM A36 (Fy = 36 ksi) UNLESS OTHERWISE NOTED. PIPES SHALL BE ASTM A53 TYPE E (Fy = 36 ksi). ALL STEEL EXPOSED TO WEATHER SHALL BE HOT DIPPED GALVANIZED. TOUCHUP ALL SCRATCHES AND OTHER MARKS IN THE FIELD AFTER STEEL IS ERECTED USING A COMPATIBLE ZINC RICH PAINT.
16. CONSTRUCTION SHALL COMPLY WITH SPECIFICATIONS AND "GENERAL CONSTRUCTION SERVICES FOR CONSTRUCTION OF AT&T SITES."
17. SUBCONTRACTOR SHALL VERIFY ALL EXISTING DIMENSIONS AND CONDITIONS PRIOR TO COMMENCING ANY WORK. ALL DIMENSIONS OF EXISTING CONSTRUCTION SHOWN ON THE DRAWINGS MUST BE VERIFIED. SUBCONTRACTOR SHALL NOTIFY THE CONTRACTOR OF ANY DISCREPANCIES PRIOR TO ORDERING MATERIAL OR PROCEEDING WITH CONSTRUCTION.
18. THE EXISTING CELL SITE IS IN FULL COMMERCIAL OPERATION. ANY CONSTRUCTION WORK BY SUBCONTRACTOR SHALL NOT DISRUPT THE EXISTING NORMAL OPERATION. ANY WORK ON EXISTING EQUIPMENT MUST BE COORDINATED WITH CONTRACTOR. ALSO, WORK SHOULD BE SCHEDULED FOR AN APPROPRIATE MAINTENANCE WINDOW USUALLY IN LOW TRAFFIC PERIODS AFTER MIDNIGHT.
19. SINCE THE CELL SITE IS ACTIVE, ALL SAFETY PRECAUTIONS MUST BE TAKEN WHEN WORKING AROUND HIGH LEVELS OF ELECTROMAGNETIC RADIATION. EQUIPMENT SHOULD BE SHUTDOWN PRIOR TO PERFORMING ANY WORK THAT COULD EXPOSE THE WORKERS TO DANGER. PERSONAL RF EXPOSURE MONITORS ARE ADVISED TO BE WORN TO ALERT OF ANY DANGEROUS EXPOSURE LEVELS.
20. APPLICABLE BUILDING CODES:
 SUBCONTRACTOR'S WORK SHALL COMPLY WITH ALL APPLICABLE NATIONAL, STATE, AND LOCAL CODES AS ADOPTED BY THE LOCAL AUTHORITY HAVING JURISDICTION (AHJ) FOR THE LOCATION. THE EDITION OF THE AHJ ADOPTED CODES AND STANDARDS IN EFFECT ON THE DATE OF CONTRACT AWARD SHALL GOVERN THE DESIGN.
 BUILDING CODE: MA STATE BUILDING CODE 780 CMR 8TH EDITION
 ELECTRICAL CODE: REFER TO ELECTRICAL DRAWINGS
 LIGHTNING CODE: REFER TO ELECTRICAL DRAWINGS

 SUBCONTRACTOR'S WORK SHALL COMPLY WITH THE LATEST EDITION OF THE FOLLOWING STANDARDS:

 AMERICAN CONCRETE INSTITUTE (ACI) 318; BUILDING CODE REQUIREMENTS FOR STRUCTURAL CONCRETE;

 AMERICAN INSTITUTE OF STEEL CONSTRUCTION (AISC)
 MANUAL OF STEEL CONSTRUCTION, ASD, FOURTEENTH EDITION;

 TELECOMMUNICATIONS INDUSTRY ASSOCIATION (TIA) 222-G,
 STRUCTURAL STANDARDS FOR STEEL

 EQUIPMENT AND ANTENNA SUPPORTING STRUCTURES; REFER TO ELECTRICAL DRAWINGS FOR SPECIFIC ELECTRICAL STANDARDS.

 FOR ANY CONFLICTS BETWEEN SECTIONS OF LISTED CODES AND STANDARDS REGARDING MATERIAL, METHODS OF CONSTRUCTION, OR OTHER REQUIREMENTS, THE MOST RESTRICTIVE REQUIREMENT SHALL GOVERN. WHERE THERE IS CONFLICT BETWEEN A GENERAL REQUIREMENT AND A SPECIFIC REQUIREMENT, THE SPECIFIC REQUIREMENT SHALL GOVERN.

ABBREVIATIONS

AGL	ABOVE GRADE LEVEL	EQ	EQUAL	REQ	REQUIRED
AWG	AMERICAN WIRE GAUGE	GC	GENERAL CONTRACTOR	RF	RADIO FREQUENCY
BBU	BATTERY BACKUP UNIT	GRC	GALVANIZED RIGID CONDUIT	TBD	TO BE DETERMINED
BTCW	BARE TINNED SOLID COPPER WIRE	MGB	MASTER GROUND BAR	TBR	TO BE REMOVED
BGR	BURIED GROUND RING	MIN	MINIMUM	TBRR	TO BE REMOVED AND REPLACED
BTS	BASE TRANSCEIVER STATION	P	PROPOSED	TYP	TYPICAL
E	EXISTING	NTS	NOT TO SCALE	UG	UNDER GROUND
EGB	EQUIPMENT GROUND BAR	RAD	RADIATION CENTER LINE (ANTENNA)	VIF	VERIFY IN FIELD
EGR	EQUIPMENT GROUND RING	REF	REFERENCE		



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 SUITE 200
 ANNAPOLIS, MD 21401

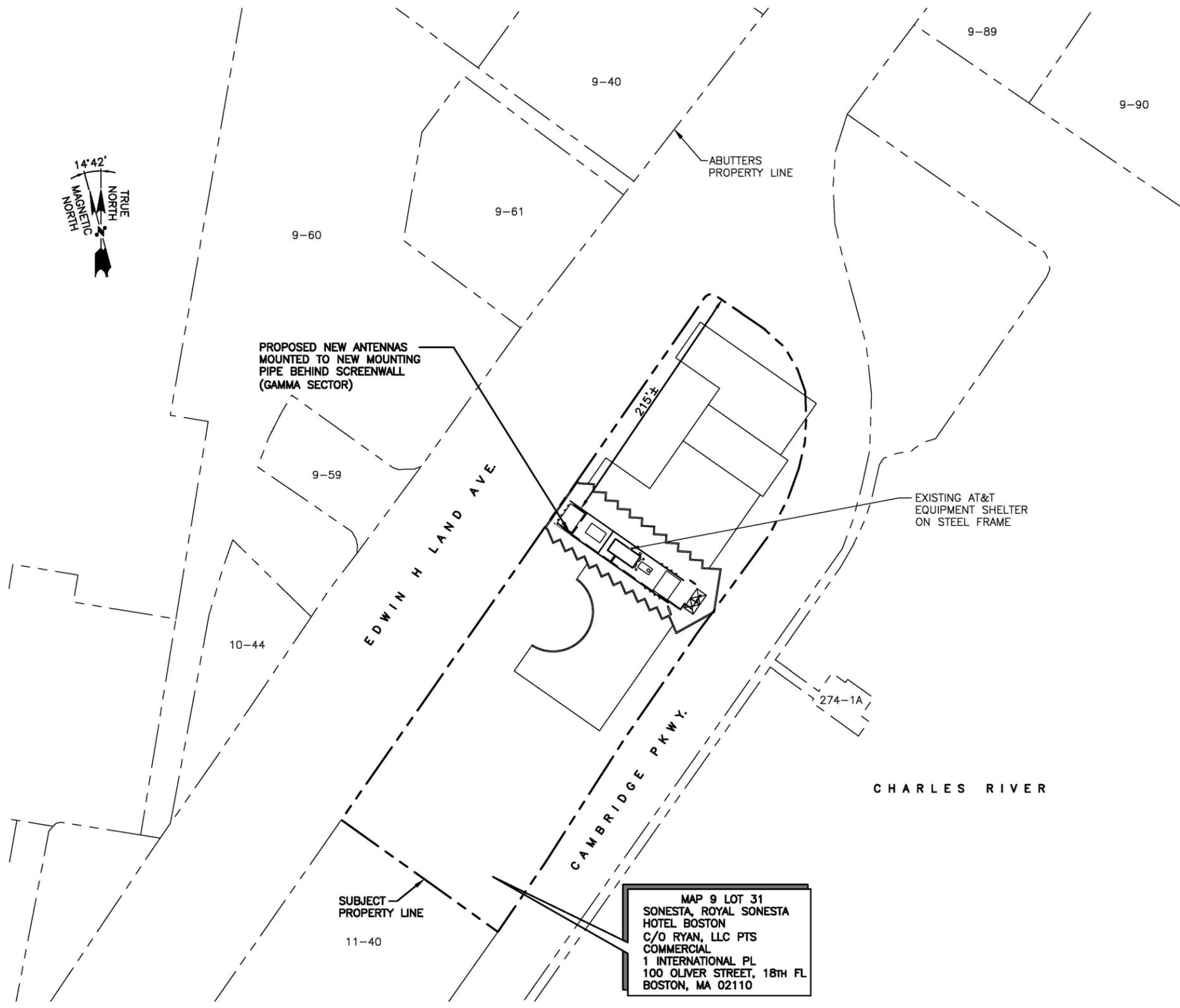
SITE NUMBER: MAL02038
SITE NAME: SONESTA

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 CAMBRIDGE, MA 02142
 MIDDLESEX COUNTY

at&t
 550 COCHITUATE ROAD
 FRAMINGHAM, MA 01701

3	09/13/17	CONSTRUCTION REVISED	AN	HC	DJC
2	08/21/17	CONSTRUCTION REVISED	AN	HC	DJC
1	05/16/17	ISSUED FOR CONSTRUCTION	RB	HC	DJC
0	02/24/17	ISSUED FOR REVIEW	RB	HC	DJC
NO.	DATE	REVISIONS	BY	CHK	APP'D
SCALE: AS SHOWN		DESIGNED BY: HC	DRAWN BY: RB		

AT&T	
GENERAL NOTES (LTE 3C/BWE)	
SITE NUMBER	DRAWING NUMBER
MAL02038	GN-1
	3



SITE PLAN

22x34 SCALE: 1"=50'
11x17 SCALE: 1"=100'



NOTES:

1. SITE PLAN IS NOT THE RESULT OF A SURVEY. IT IS BASED ON EXISTING PARCEL MAPS AVAILABLE FROM THE CITY GIS DATABASE. ALL INFORMATION SHOWN IS APPROXIMATE ONLY AND SUBJECT TO ANY CONDITION THAT A SURVEY MAY REVEAL.
2. ALL SETBACKS SHOWN ARE FROM PROPOSED ANTENNAS & EQUIPMENT TO EXISTING PROPERTY LINES.

SITE SPECIFIC NOTES:

1. SITE SURVEY HAS NOT BEEN CONDUCTED BY HUDSON DESIGN GROUP, LLC FOR THIS PROJECT. ALL SETBACKS SHOWN ON THIS PLAN IS BASED ON ABOVE.

ZONING INFORMATION

DIMENSION REQUIREMENTS:	REQUIRED	PROPOSED±
SETBACKS:		
FRONT YARD SETBACK:	H±L = 93'±	15'±
SIDE YARD SETBACK:	H±L = 78'	215'±
REAR YARD SETBACK:	H±L = 5'	NA

APPLICANT: AT&T MOBILITY
550 COCHITUATE ROAD
FRAMINGHAM, MA 01701

OWNER: SONESTA, ROYAL SONESTA HOTEL BOSTON
C/O RYAN, LLC
PTS COMMERCIAL 1 INTERNATIONAL PL
100 OLIVER STREET, 18TH FL.
BOSTON, MA 02110

ZONING DISTRICT: PUD-2/C-3A

JURISDICTION: CITY OF CAMBRIDGE, MA

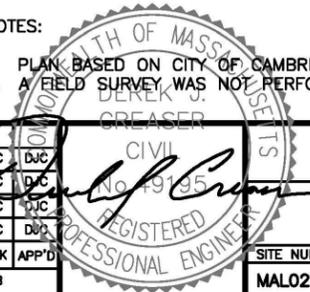
TAX ID: MAP 9, LOT 31

LEGEND

- PROPERTY LINE - SUBJECT PARCEL
- PROPERTY LINE - ABUTTERS
- XXX-XXX ASSESSORS PARCEL I.D. NO.

NOTES:

1. PLAN BASED ON CITY OF CAMBRIDGE ASSESSORS MAPS.
2. A FIELD SURVEY WAS NOT PERFORMED BY HUDSON DESIGN GROUP, LLC.



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SUITE 200
ANNAPOLIS, MD 21401

SITE NUMBER: MAL02038
SITE NAME: SONESTA

5 CAMBRIDGE PARKWAY
CAMBRIDGE, MA 02142
MIDDLESEX COUNTY



550 COCHITUATE ROAD
FRAMINGHAM, MA 01701

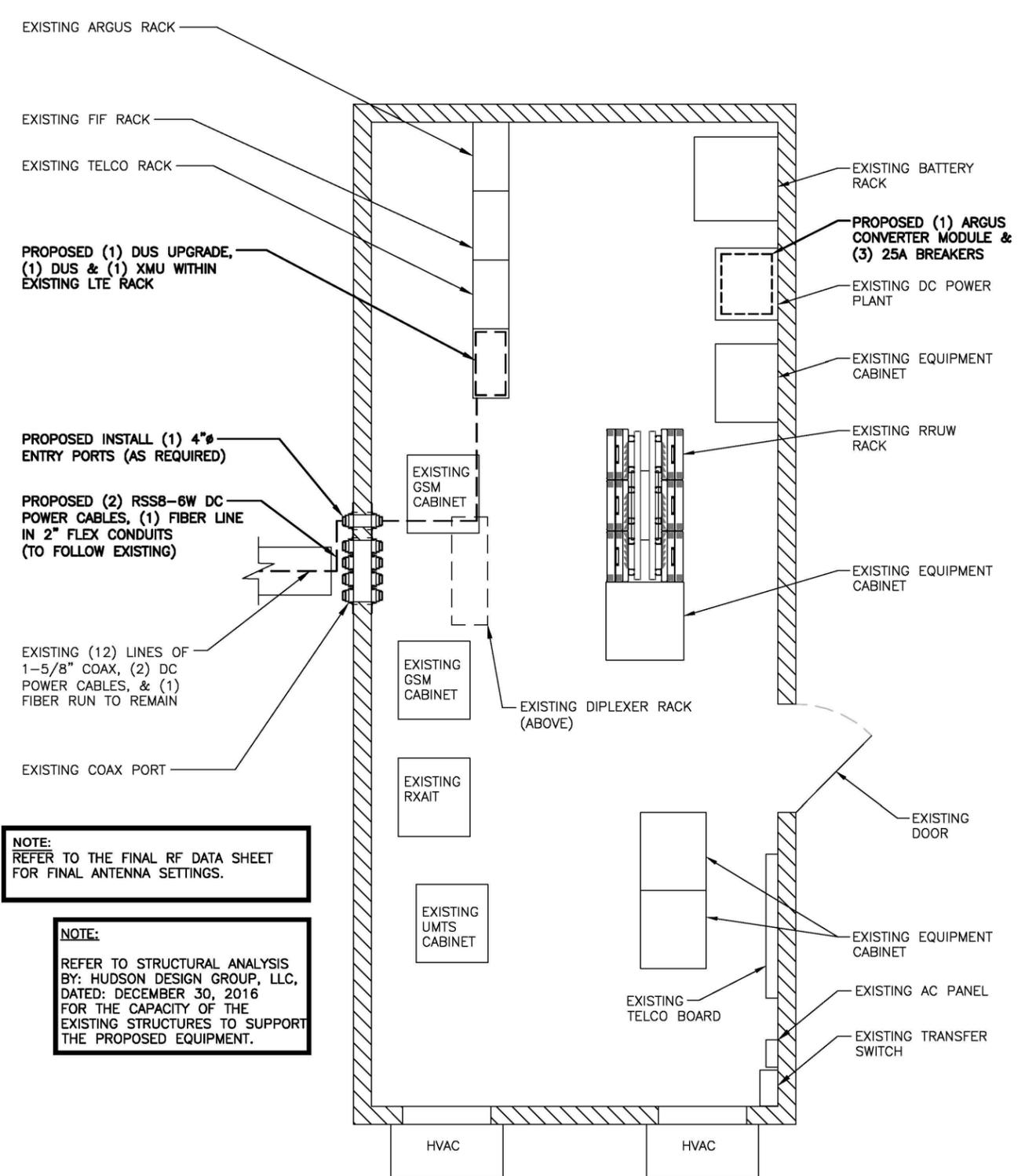
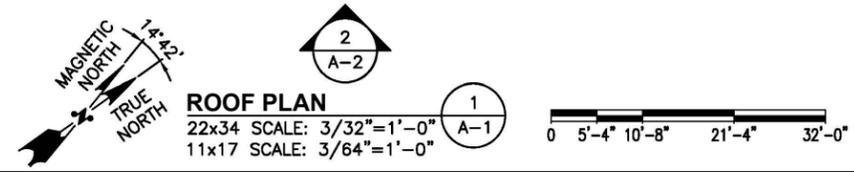
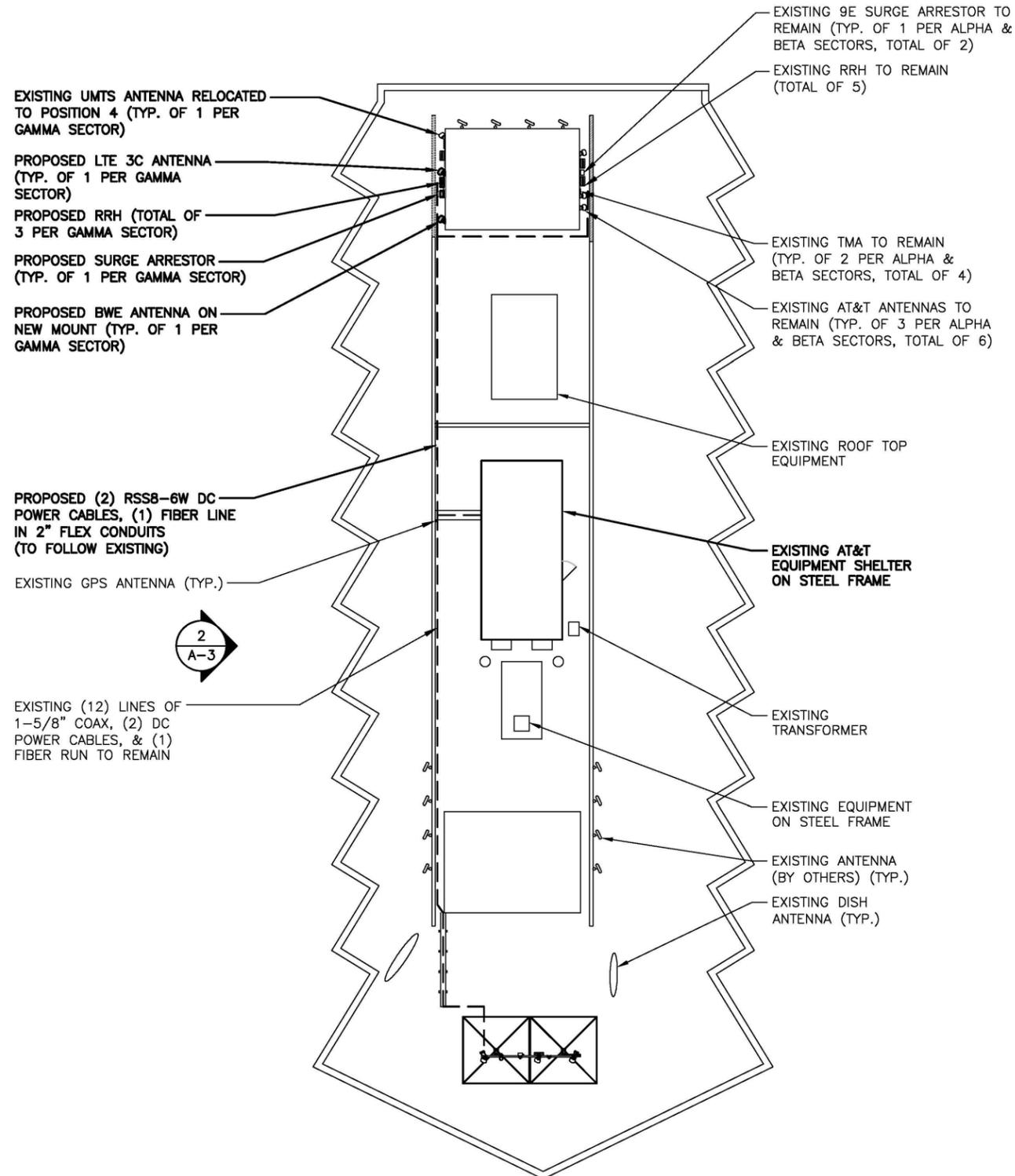
NO.	DATE	REVISIONS	BY	CHK	APP'D
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0	02/24/17	ISSUED FOR REVIEW	RB	HC	DJC

SCALE: AS SHOWN DESIGNED BY: HC DRAWN BY: RB

AT&T

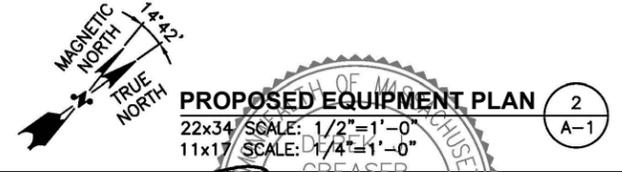
SITE PLAN
(LTE 3C/BWE)

SITE NUMBER	DRAWING NUMBER	REV
MAL02038	C-1	3



NOTE:
 REFER TO THE FINAL RF DATA SHEET FOR FINAL ANTENNA SETTINGS.

NOTE:
 REFER TO STRUCTURAL ANALYSIS BY: HUDSON DESIGN GROUP, LLC, DATED: DECEMBER 30, 2016 FOR THE CAPACITY OF THE EXISTING STRUCTURES TO SUPPORT THE PROPOSED EQUIPMENT.



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at&t
 550 COCHITUATE ROAD
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SCALE: AS SHOWN DESIGNED BY: HC DRAWN BY: RB

AT&T
ROOF PLAN AND EQUIPMENT PLAN (LTE 3C/BWE)
 SITE NUMBER: MAL02038
 DRAWING NUMBER: A-1
 REV: 3

EXISTING GPS ANTENNA (TYP.)
 EXISTING AT&T EQUIPMENT SHELTER ON STEEL FRAME
 EXISTING LTE ANTENNA TO BE REMOVED & REPLACED (TYP. OF 1 PER GAMMA SECTOR)

EXISTING AT&T ANTENNAS TO REMAIN (TYP. OF 3 PER ALPHA & BETA SECTORS, TOTAL OF 6)

EXISTING RRH TO REMAIN (TOTAL OF 5)

EXISTING BUILDING

EXISTING LOWER ROOF

TOP OF EXISTING SCREEN WALL
 ELEV. 142'-0"± (AGL)
 CENTER OF EXISTING AT&T ANTENNAS (ALPHA & GAMMA SECTORS)
 ELEV. 134'-6"± (AGL)
 CENTER OF EXISTING AT&T ANTENNAS (BETA SECTOR)
 ELEV. 130'-7"± (AGL)
 TOP OF EXISTING ROOF
 ELEV. 122'-0"± (AGL)

NOTE:
 REFER TO THE FINAL RF DATA SHEET FOR FINAL ANTENNA SETTINGS.

NOTE:
 REFER TO STRUCTURAL ANALYSIS BY: HUDSON DESIGN GROUP, LLC, DATED: DECEMBER 30, 2016 FOR THE CAPACITY OF THE EXISTING STRUCTURES TO SUPPORT THE PROPOSED EQUIPMENT.

EXISTING GPS ANTENNA (TYP.)
 EXISTING AT&T EQUIPMENT SHELTER ON STEEL FRAME
 PROPOSED BWE ANTENNA (TYP. OF 1 PER GAMMA SECTOR)

EXISTING AT&T ANTENNAS TO REMAIN (TYP. OF 3 PER ALPHA & BETA SECTORS, TOTAL OF 6)

EXISTING RRH TO REMAIN (TOTAL OF 5)

EXISTING BUILDING

EXISTING LOWER ROOF

TOP OF EXISTING SCREEN WALL
 ELEV. 142'-0"± (AGL)
 CENTER OF EXISTING & PROPOSED AT&T ANTENNAS (ALPHA & GAMMA SECTORS)
 ELEV. 134'-6"± (AGL)
 CENTER OF EXISTING AT&T ANTENNAS (BETA SECTOR)
 ELEV. 130'-7"± (AGL)
 TOP OF EXISTING ROOF
 ELEV. 122'-0"± (AGL)

GROUND LEVEL
 ELEV. 0'-0"± (AGL)

EXISTING SOUTHEAST ELEVATION
 22x34 SCALE: 3/32"=1'-0"
 11x17 SCALE: 3/64"=1'-0"

1
 A-2



PROPOSED SOUTHEAST ELEVATION
 22x34 SCALE: 3/32"=1'-0"
 11x17 SCALE: 3/64"=1'-0"

2
 A-2



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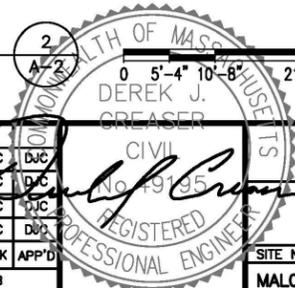
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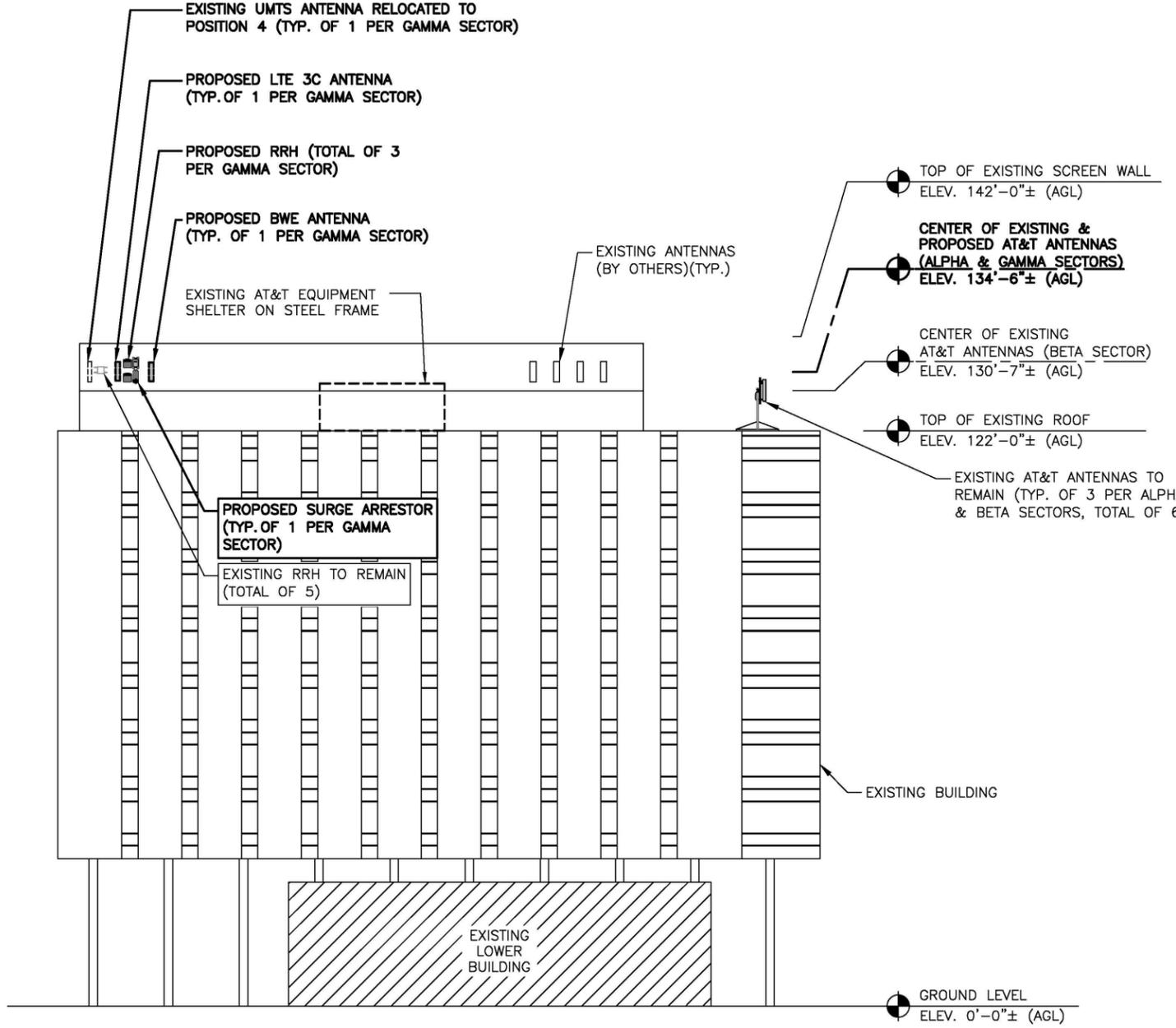
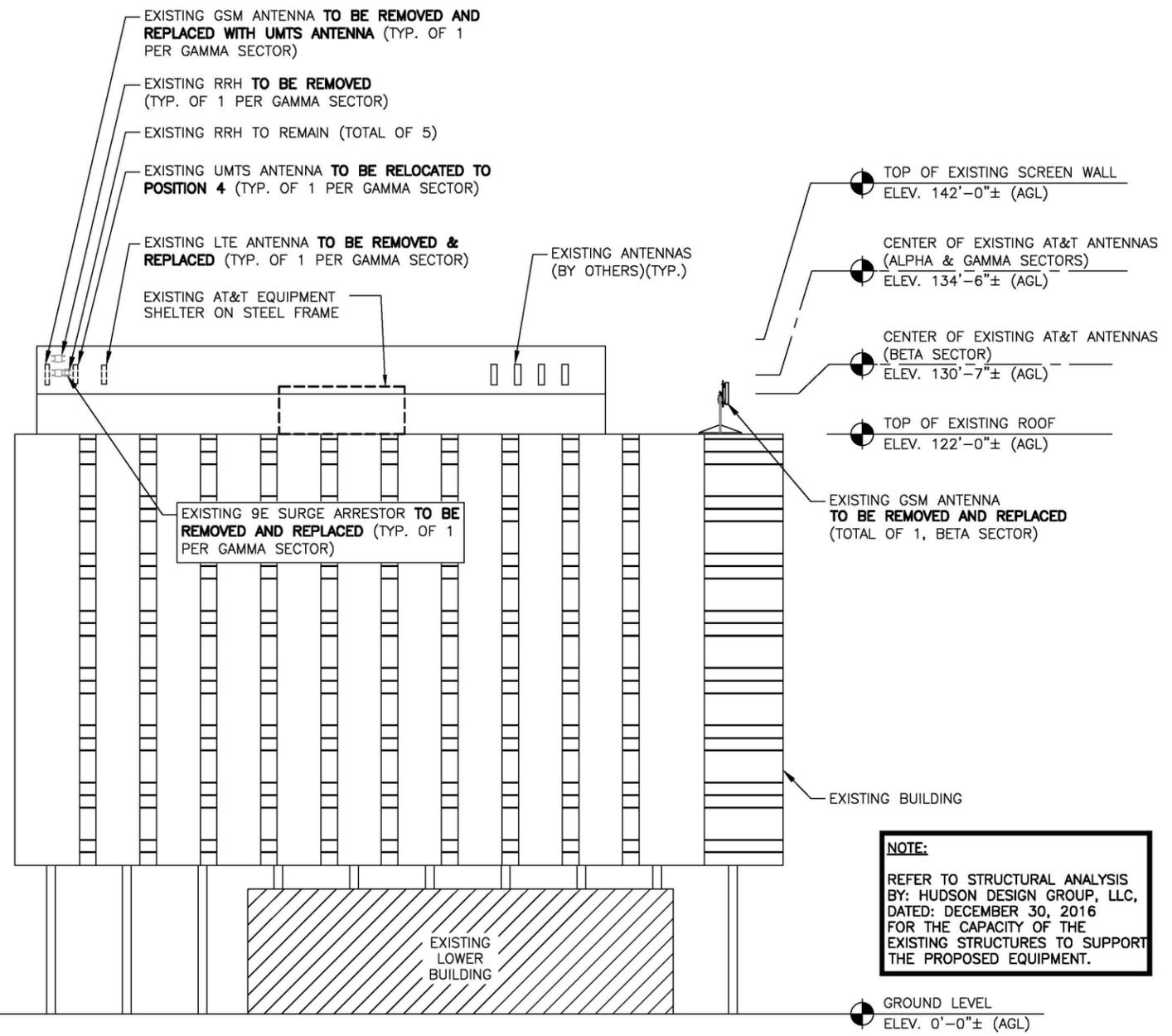
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SCALE: AS SHOWN DESIGNED BY: HC DRAWN BY: RB



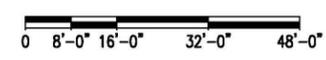
AT&T	
ELEVATIONS (LTE 3C/BWE)	
SITE NUMBER	DRAWING NUMBER
MAL02038	A-2
REV	3

NOTE:
REFER TO THE FINAL RF DATA SHEET
FOR FINAL ANTENNA SETTINGS.

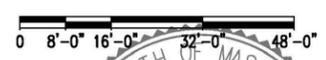


NOTE:
REFER TO STRUCTURAL ANALYSIS
BY: HUDSON DESIGN GROUP, LLC,
DATED: DECEMBER 30, 2016
FOR THE CAPACITY OF THE
EXISTING STRUCTURES TO SUPPORT
THE PROPOSED EQUIPMENT.

EXISTING SOUTHWEST ELEVATION 1
22x34 SCALE: 1/16"=1'-0"
11x17 SCALE: 1/32"=1'-0"
A-3



PROPOSED SOUTHWEST ELEVATION 2
22x34 SCALE: 1/16"=1'-0"
11x17 SCALE: 1/32"=1'-0"
A-3



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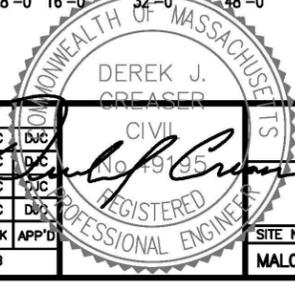
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SCALE: AS SHOWN DESIGNED BY: HC DRAWN BY: RB

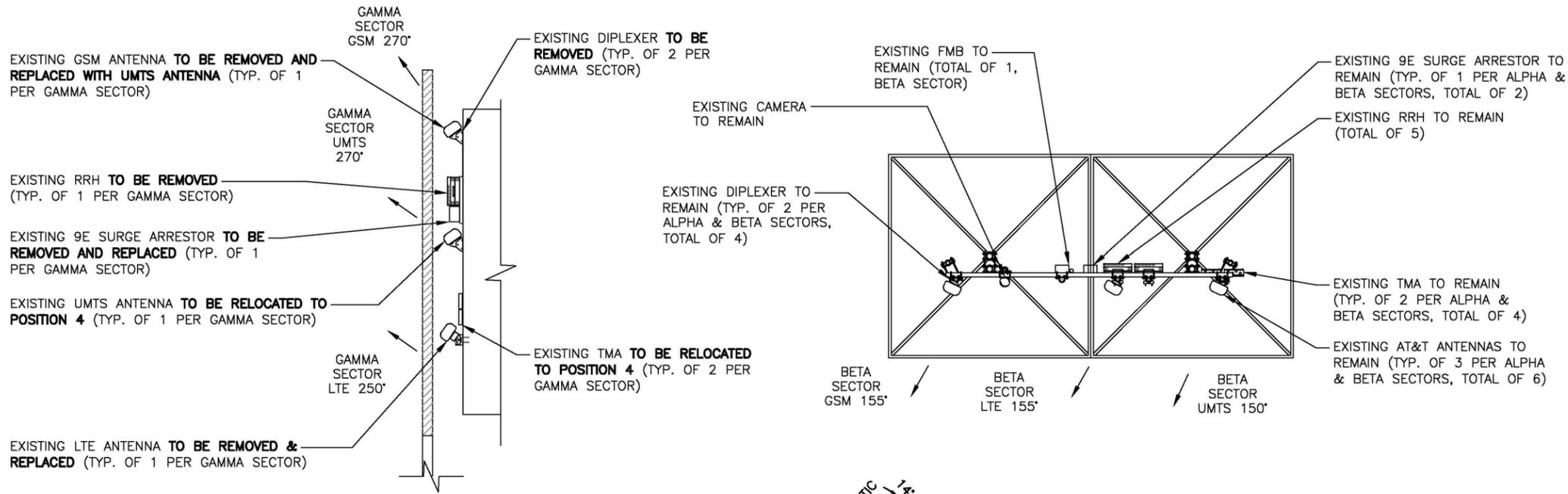


SITE NUMBER	DRAWING NUMBER	REV
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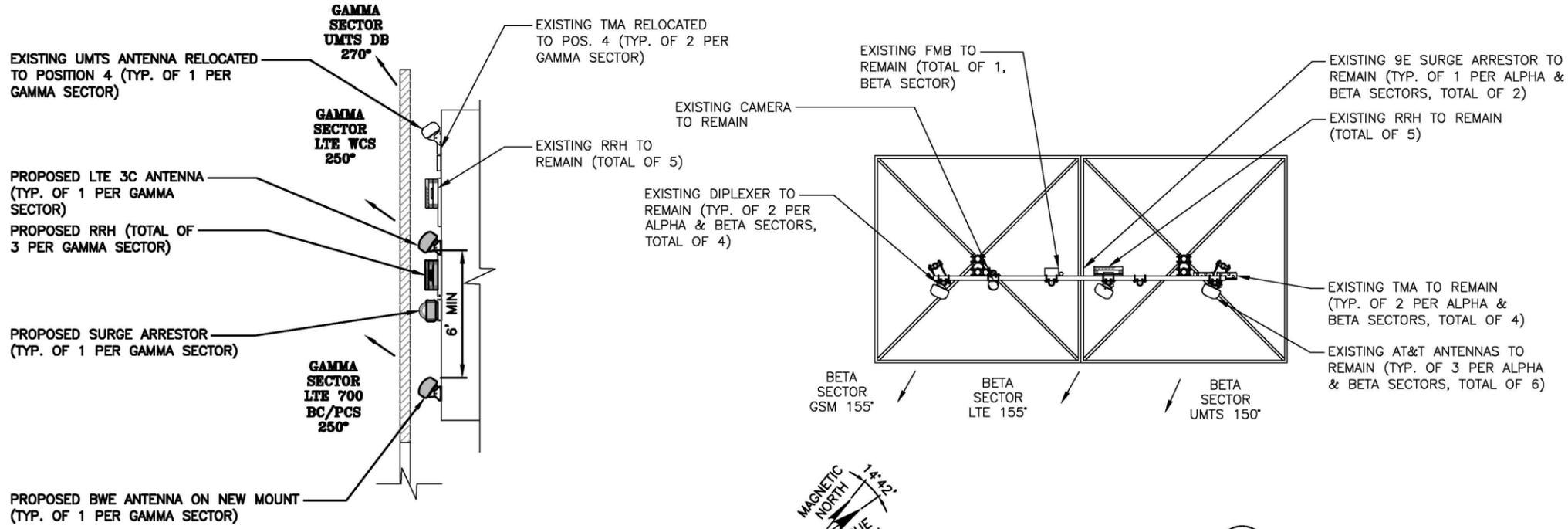
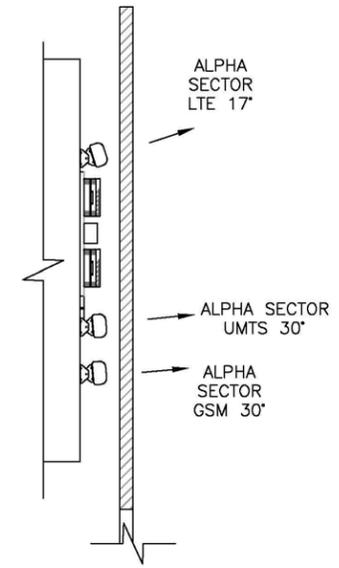
AT&T
ELEVATIONS
(LTE 3C/BWE)

NOTE:
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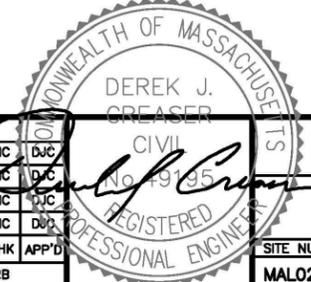
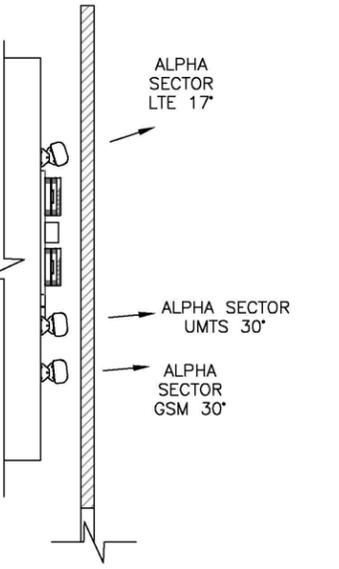
NOTE:
REFER TO THE FINAL RF DATA SHEET FOR FINAL ANTENNA SETTINGS.



EXISTING ANTENNA LAYOUT (1)
SCALE: N.T.S. A-4



PROPOSED ANTENNA LAYOUT (2)
SCALE: N.T.S. A-4



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NO.	DATE	REVISIONS	BY	CHK	APP'D
SCALE: AS SHOWN		DESIGNED BY: HC	DRAWN BY: RB		

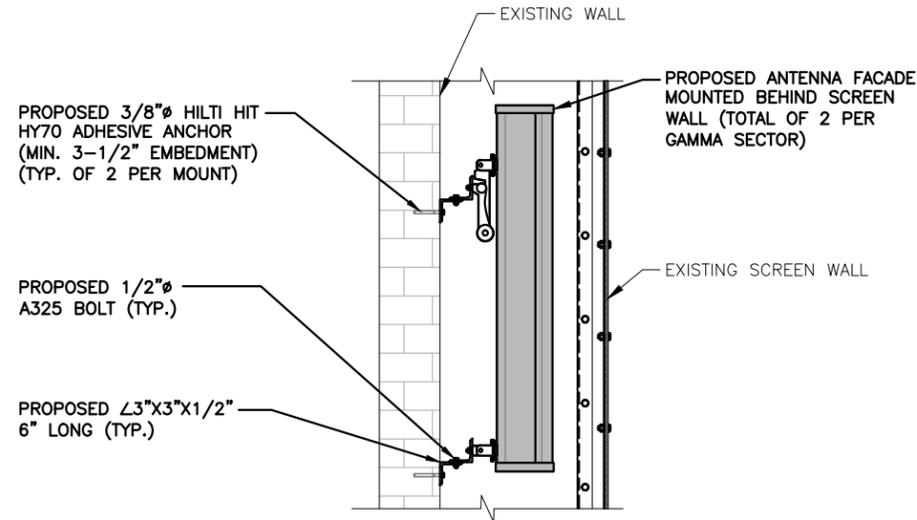
AT&T	
ANTENNA LAYOUTS (LTE 3C/BWE)	
SITE NUMBER	DRAWING NUMBER
MAL02038	A-4
REV	
3	

NOTE:
REFER TO THE FINAL RF DATA SHEET
FOR FINAL ANTENNA SETTINGS.

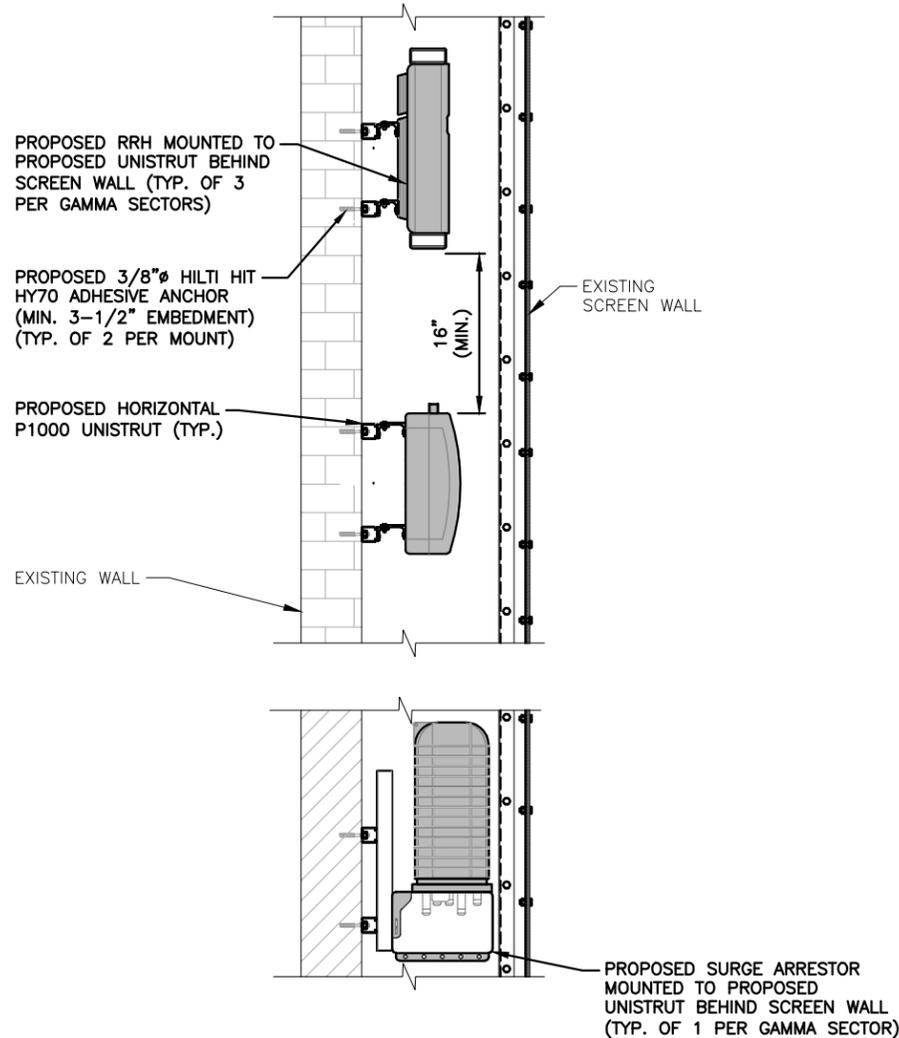
NOTE:
REFER TO STRUCTURAL ANALYSIS
BY: HUDSON DESIGN GROUP, LLC,
DATED: DECEMBER 30, 2016
FOR THE CAPACITY OF THE
EXISTING STRUCTURES TO SUPPORT
THE PROPOSED EQUIPMENT.

EXISTING & PROPOSED ANTENNA SCHEDULE							
SECTOR	TECHNOLOGY	EXISTING/PROPOSED	RAD CENTER	AZIMUTH	MAKE	MODEL#	SIZE (INCHES) (L x W x D)
ALPHA	700 BC/PCS	EXISTING	134'-6"	17'	KMW	AM-X-CD-14-65-00T-RET	48x11.8x5.9
	GSM 850	EXISTING	134'-6"	30'	KATHREIN	742-264	51.8x10.3x5.5
	UMTS DB	EXISTING	134'-6"	30'	KATHREIN	742-264	51.8x10.3x5.5
BETA	UMTS DB	EXISTING	130'-7"	150'	KATHREIN	742-264	51.8x10.3x5.5
	700 BC/PCS	EXISTING	130'-7"	155'	KMW	AM-X-CD-14-65-00T-RET	48x11.8x5.9
GAMMA	700 BC/PCS	PROPOSED	134'-6"	250'	ANDREW	SBNHH-1D65A	55.0x11.9x7.1
	LTE WCS	PROPOSED	134'-6"	250'	ANDREW	SBNHH-1D65A	55.0x11.9x7.1
	UMTS DB	EXISTING	134'-6"	270'	KATHREIN	742-264	51.8x10.3x5.5

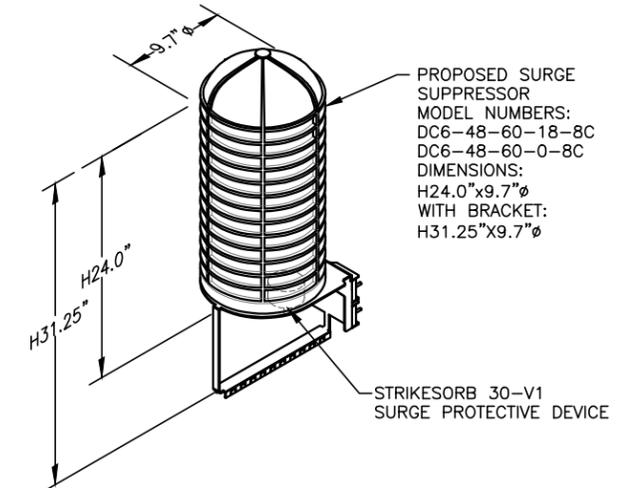
EXISTING & PROPOSED RRU SCHEDULE				
SECTOR	EXISTING/PROPOSED	MAKE	MODEL#	SIZE (INCHES) (L x W x D)
ALPHA	EXISTING	ERICSSON	(2)RRUS-11	19.7x17.0x7.2
BETA	EXISTING	ERICSSON	(2)RRUS-11	19.7x17.0x7.2
GAMMA	EXISTING	ERICSSON	RRUS-11	19.7x17.0x7.2
	PROPOSED	ERICSSON	(2)RRUS-12	20.4x18.5x7.5
	PROPOSED	ERICSSON	RRUS-32	27.2x12.1x7.0



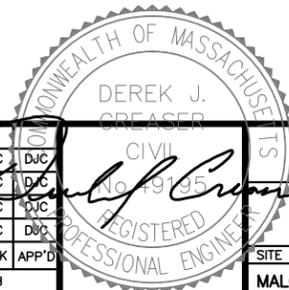
PROPOSED LTE ANTENNA MOUNTING DETAIL (GAMMA SECTOR)
SCALE: N.T.S.



PROPOSED RRH & SURGE ARRESTOR MOUNTING DETAIL (GAMMA SECTOR)
SCALE: N.T.S.



DC SURGE SUPPRESSOR DETAIL
SCALE: N.T.S.



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1997 ANNAPOLIS EXCHANGE PKWY
SUITE 200
ANNAPOLIS, MD 21401

SITE NUMBER: MAL02038
SITE NAME: SONESTA
5 CAMBRIDGE PARKWAY
CAMBRIDGE, MA 02142
MIDDLESEX COUNTY

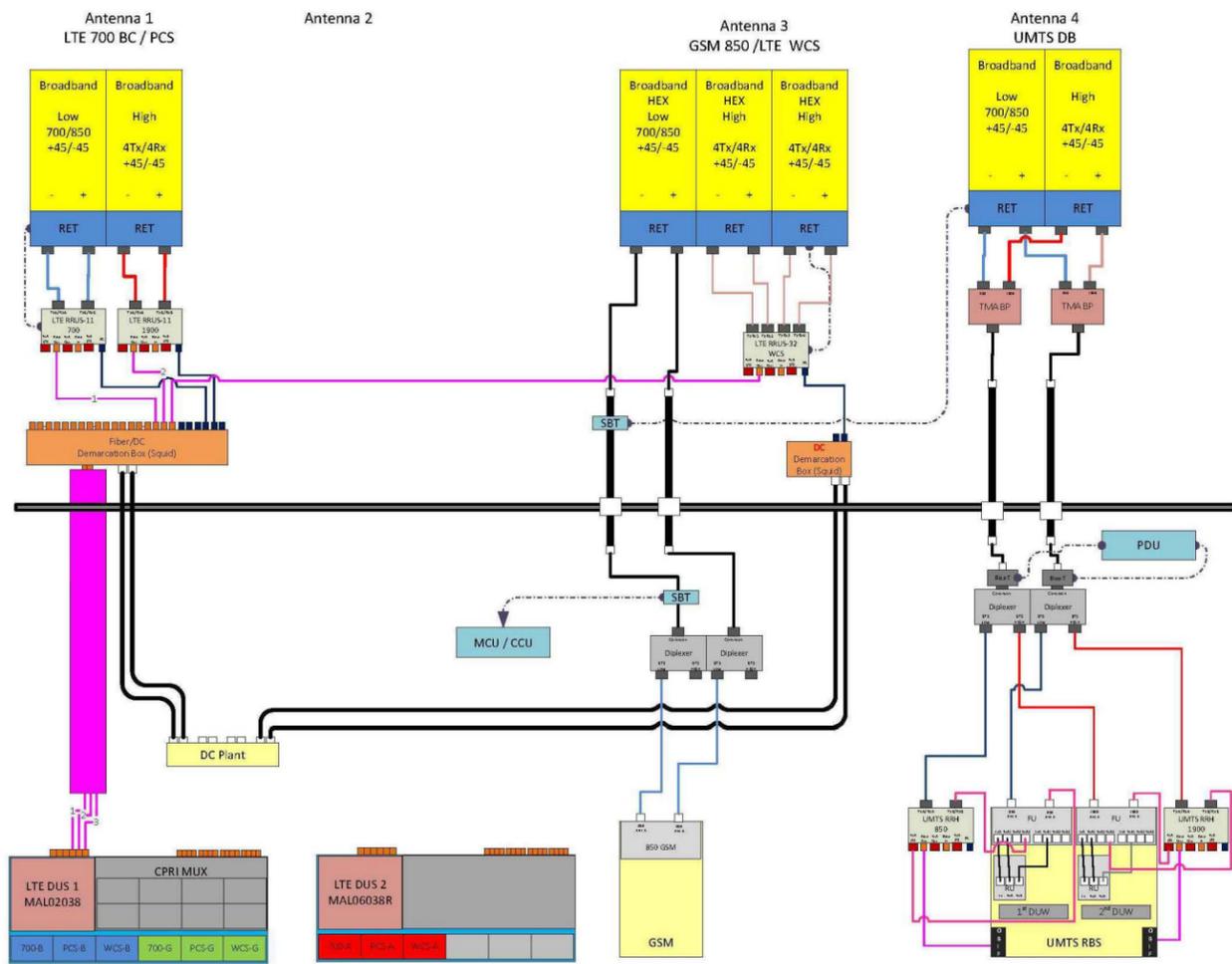
at&t
550 COCHITUATE ROAD
FRAMINGHAM, MA 01701

NO.	DATE	REVISIONS	BY	CHK	APP'D
3	09/13/17	CONSTRUCTION REVISED	AN	HC	DJC
2	08/21/17	CONSTRUCTION REVISED	AN	HC	DJC
1	05/16/17	ISSUED FOR CONSTRUCTION	RB	HC	DJC
0	02/24/17	ISSUED FOR REVIEW	RB	HC	DJC

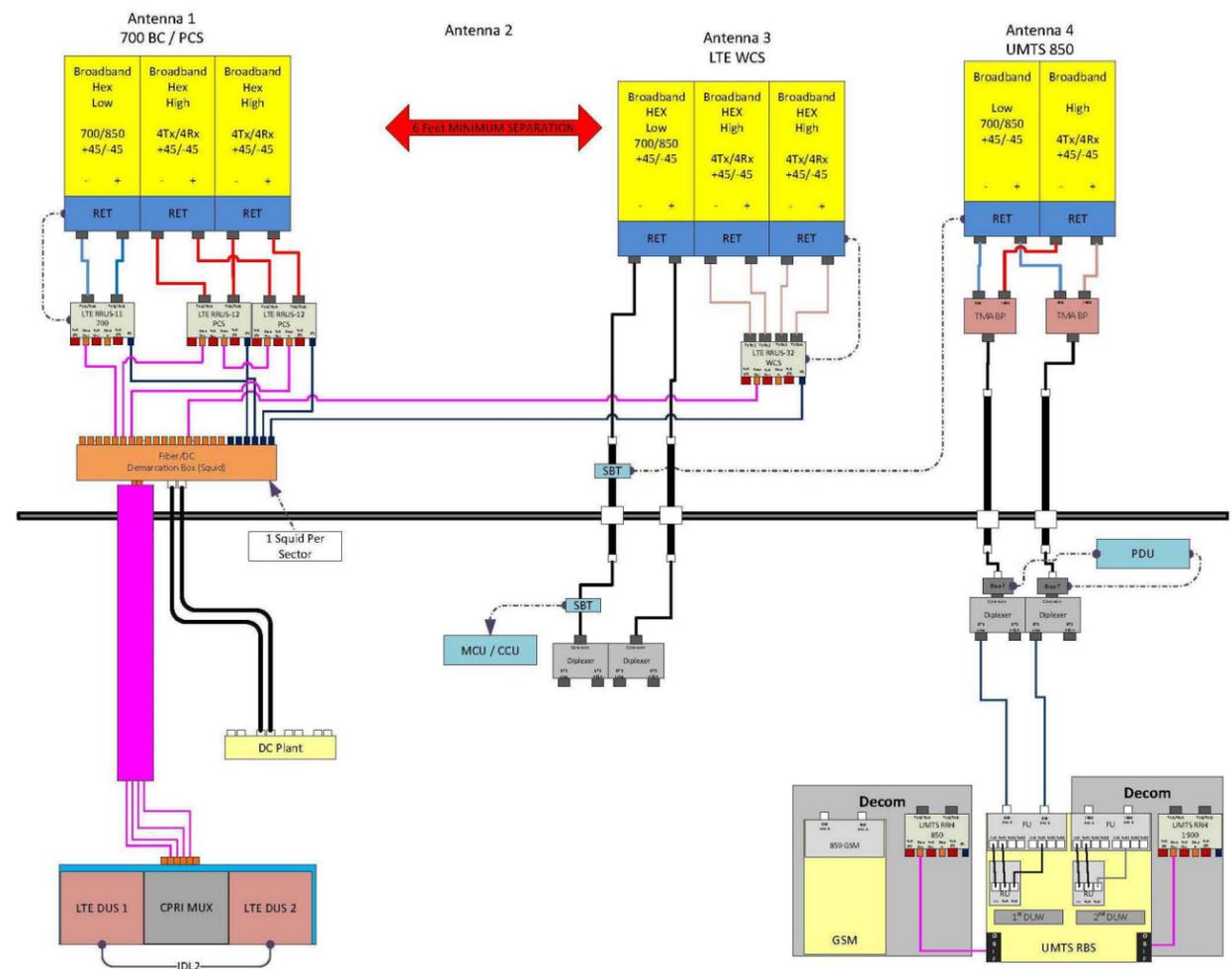
SCALE: AS SHOWN DESIGNED BY: HC DRAWN BY: RB

AT&T
DETAILS
(LTE 3C/BWE)

SITE NUMBER	DRAWING NUMBER	REV
MAL02038	A-5	3



RF PLUMBING DIAGRAM (LTE 3C) GAMMA SECTOR ONLY 1
SCALE: N.T.S. RF-1



RF PLUMBING DIAGRAM (BWE) GAMMA SECTOR ONLY 2
SCALE: N.T.S. RF-1



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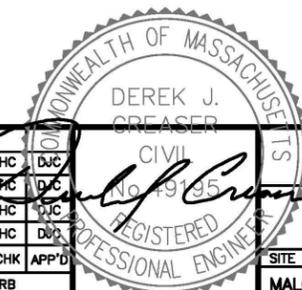
SITE NUMBER: MAL02038
SITE NAME: SONESTA

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MIDDLESEX COUNTY



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FRAMINGHAM, MA 01701

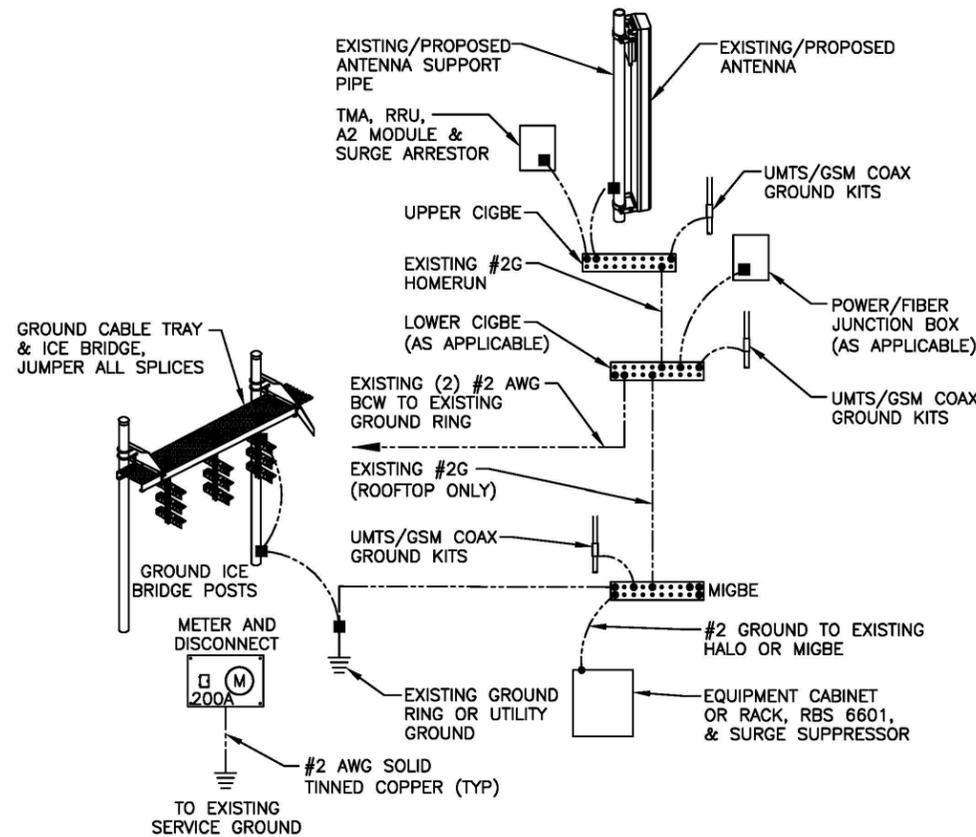
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2	08/21/17	CONSTRUCTION REVISED	AN	HC	DJC
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0	02/24/17	ISSUED FOR REVIEW	RB	HC	DJC
NO.	DATE	REVISIONS	BY	CHK	APP'D
SCALE: AS SHOWN		DESIGNED BY: HC	DRAWN BY: RB		



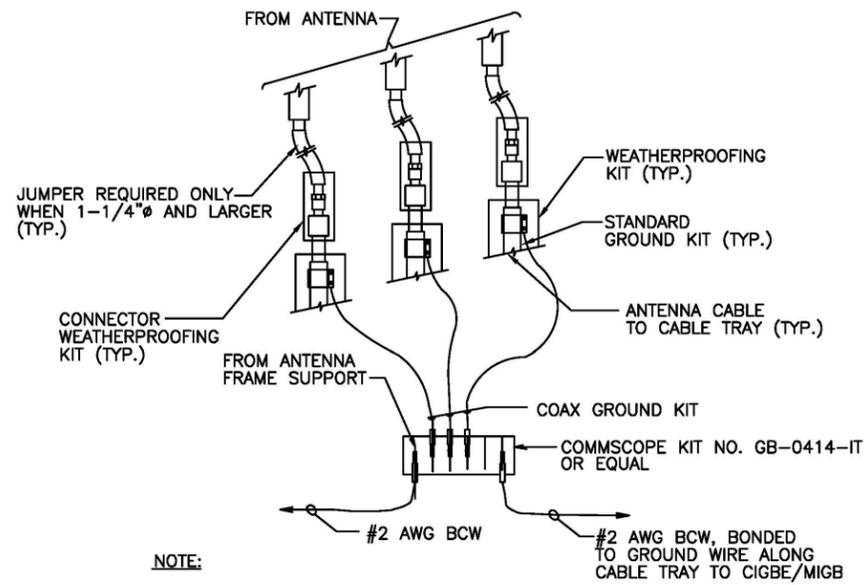
AT&T

RF PLUMBING DIAGRAM
(LTE 3C/BWE)

SITE NUMBER	DRAWING NUMBER	REV
MAL02038	RF-1	3

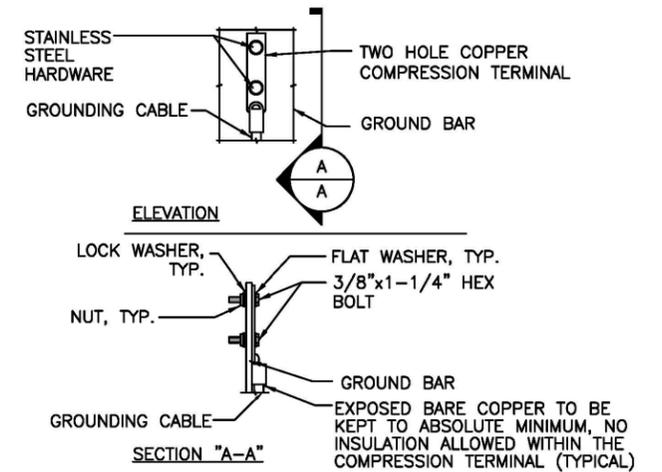


GROUNDING RISER DIAGRAM 1
SCALE: N.T.S. G-1



NOTE:
1. DO NOT INSTALL CABLE GROUND KIT AT A BEND AND ALWAYS DIRECT GROUND WIRE DOWN TO CIGBE.

GROUND WIRE TO GROUND BAR CONNECTION DETAIL 2
SCALE: N.T.S. G-1



NOTE:
1. "DOUBLING UP" OR "STACKING" OF CONNECTION IS NOT PERMITTED.
2. OXIDE INHIBITING COMPOUND TO BE USED AT ALL LOCATION.
3. CADWELD DOWNLEADS FROM UPPER EGB, LOWER EGB, AND MGB

TYPICAL GROUND BAR CONNECTION DETAIL 3
SCALE: N.T.S. G-1

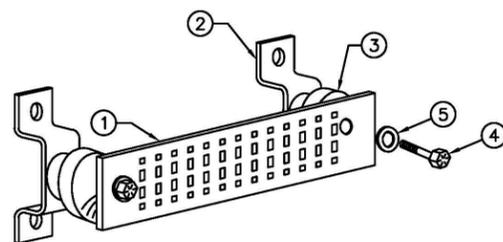
EACH GROUND CONDUCTOR TERMINATING ON ANY GROUND BAR SHALL HAVE AN IDENTIFICATION TAG ATTACHED AT EACH END THAT WILL IDENTIFY ITS ORIGIN AND DESTINATION.

SECTION "P" - SURGE PRODUCERS

- CABLE ENTRY PORTS (HATCH PLATES) (#2)
- GENERATOR FRAMEWORK (IF AVAILABLE) (#2)
- TELCO GROUND BAR
- COMMERCIAL POWER COMMON NEUTRAL/GROUND BOND (#2)
- +24V POWER SUPPLY RETURN BAR (#2)
- 48V POWER SUPPLY RETURN BAR (#2)
- RECTIFIER FRAMES.

SECTION "A" - SURGE ABSORBERS

- INTERIOR GROUND RING (#2)
- EXTERNAL EARTH GROUND FIELD (BURIED GROUND RING) (#2)
- METALLIC COLD WATER PIPE (IF AVAILABLE) (#2)
- BUILDING STEEL (IF AVAILABLE) (#2)



GROUND BAR - DETAIL 4
SCALE: N.T.S. G-1



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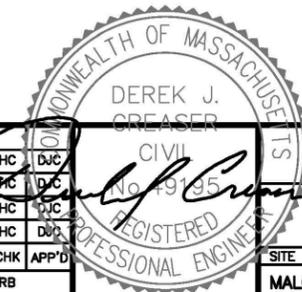
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5 CAMBRIDGE PARKWAY
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NO.	DATE	REVISIONS	BY	CHK	APP'D
SCALE: AS SHOWN		DESIGNED BY: HC	DRAWN BY: RB		



AT&T

GROUNDING DETAILS
(LTE 3C/BWE)

SITE NUMBER	DRAWING NUMBER	REV
MAL02038	G-1	3



SBNHH-1D65A

Andrew® Tri-band Antenna, 1 x 698–896 MHz and 2 x 1710–2360 MHz, 65° horizontal beamwidth, internal RET. Both high bands share the same electrical tilt.

- Interleaved dipole technology providing for attractive, low wind load mechanical package
- The values presented on this datasheet have been calculated based on N-P-BASTA White Paper version 9.6 by the NGMN Alliance

Electrical Specifications

Frequency Band, MHz	698–806	806–896	1710–1880	1850–1990	1920–2180	2300–2360
Gain by all Beam Tilts, average, dBi	13.1	13.1	16.1	16.5	16.7	17.2
Gain by all Beam Tilts Tolerance, dB	±0.5	±0.5	±0.5	±0.3	±0.5	±0.4
Gain by Beam Tilt, average, dBi	0° 13.4 9° 13.1 18° 12.7	0° 13.4 9° 13.1 18° 12.7	0° 16.0 5° 16.2 10° 16.1	0° 16.3 5° 16.5 10° 16.5	0° 16.5 5° 16.8 10° 16.6	0° 17.0 5° 17.3 10° 16.9
Beamwidth, Horizontal, degrees	66	61	70	65	62	61
Beamwidth, Horizontal Tolerance, degrees	±3.1	±5.4	±2.8	±4	±6.6	±4.6
Beamwidth, Vertical, degrees	17.6	15.9	7.1	6.6	6.2	5.5
Beamwidth, Vertical Tolerance, degrees	±1.8	±1.4	±0.3	±0.4	±0.5	±0.3
Beam Tilt, degrees	0–18	0–18	0–10	0–10	0–10	0–10
USLS, dB	15	14	15	15	15	14
Front-to-Back Total Power at 180° ± 30°, dB	22	21	26	26	24	25
CPR at Boresight, dB	22	16	22	25	21	22
CPR at Sector, dB	10	6	12	8	5	4
Isolation, dB	25	25	25	25	25	25
Isolation, Intersystem, dB	30	30	30	30	30	30
VSWR Return Loss, dB	1.5 14.0	1.5 14.0	1.5 14.0	1.5 14.0	1.5 14.0	1.5 14.0
PIM, 3rd Order, 2 x 20 W, dBc	-153	-153	-153	-153	-153	-153
Input Power per Port, maximum, watts	350	350	350	350	350	300
Polarization	±45°	±45°	±45°	±45°	±45°	±45°
Impedance	50 ohm					

General Specifications

Antenna Brand	Andrew®
Antenna Type	DualPol® tri-band
Band	Multiband
Brand	DualPol® Teletilt®
Operating Frequency Band	1710 – 2360 MHz 698 – 896 MHz

Mechanical Specifications

Color	Light gray
Lightning Protection	dc Ground
Radiator Material	Aluminum Low loss circuit board
Radome Material	Fiberglass, UV resistant
RF Connector Interface	7-16 DIN Female
RF Connector Location	Bottom
RF Connector Quantity, total	6

SBNHH-1D65A



Wind Loading, maximum	445.0 N @ 150 km/h 100.0 lbf @ 150 km/h
Wind Speed, maximum	241.4 km/h 150.0 mph

Dimensions

Depth	180.0 mm 7.1 in
Length	1398.0 mm 55.0 in
Width	301.0 mm 11.9 in
Net Weight	15.2 kg 33.5 lb

Remote Electrical Tilt (RET) Information

Annual Failure Rate, maximum	0.01%
Input Voltage	10–30 Vdc
Power Consumption, idle state, maximum	2.0 W
Power Consumption, normal conditions, maximum	11.0 W
Protocol	3GPP/AISG 2.0 Multi-RET
RET Interface	RS-485 Female (daisy chain port ,1) RS-485 Male (input port, 1)
RET Interface, quantity	1 female 1 male
RET System	Teletilt®

Regulatory Compliance/Certifications

Agency

RoHS 2011/65/EU
China RoHS SJ/T 11364-2006
ISO 9001:2008

Classification

Compliant by Exemption
Above Maximum Concentration Value (MCV)
Designed, manufactured and/or distributed under this quality management system



Included Products

BSAMNT-1 — Wide Profile Antenna Downtilt Mounting Kit for 2.5 - 4.5 in (64 115 mm) OD round members. Kit contains one scissor top bracket set and one bottom bracket set.

RRUS 32 B30 Data Sheet

RRUS 32 B30

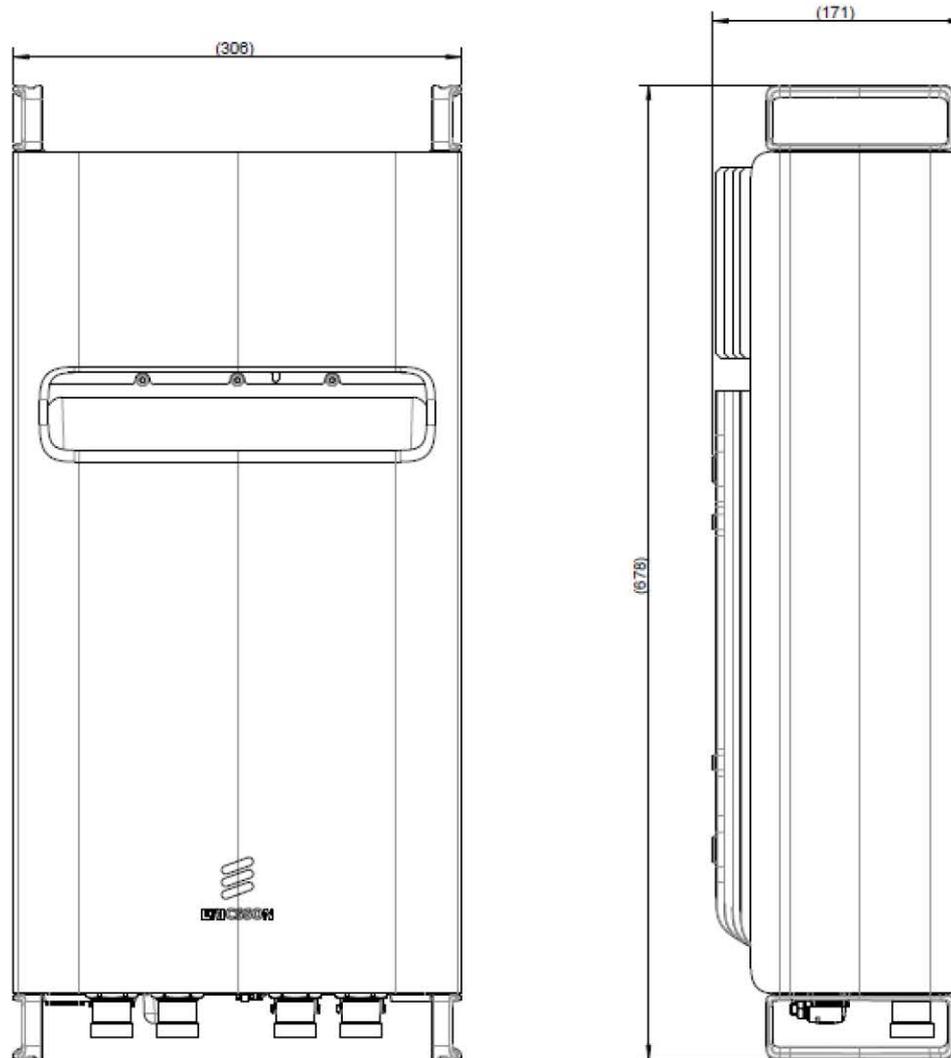
PRELIMINARY



- › WCS A+B blocks
 - TX = 2350 – 2360 MHz
 - RX = 2305 – 2315 MHz
- › RF output 4 x 25 Watts
- › 4T4R FDD
- › 10 MHz IBW for LTE
- › CPRI 2 ports x 10 Gbps
- › Dimensions (incl. feet and sunshield)
 - Height: 26.7” (678 mm)
 - Width: 12.1” (306 mm)
 - Depth: 6.7” (171 mm)
- › Weight, excl. mounting hardware
 - 60 lbs (23 kg)



Mechanical Outline



(millimeters)

PRELIMINARY

Remote Radio Unit Description

RRUS 02 and RRUS 12

DESCRIPTION



Description	Value
Number of carriers	WCDMA and LTE: One to four carriers. GSM: One to eight carriers. CDMA: One to eight carriers. (subject to license handling)
Frequency ⁽³⁾	1,920 to 1,980 MHz uplink 2,110 to 2,170 MHz downlink B1 for WCDMA and LTE
	1,850 to 1,910 MHz uplink 1,930 to 1,990 MHz downlink B2 for GSM, WCDMA, and LTE
	1,710 to 1,785 MHz uplink 1,805 to 1,880 MHz downlink B3 for GSM, WCDMA, and LTE
	1,710 to 1,755 MHz uplink 2,110 to 2,155 MHz downlink B4 for WCDMA, and LTE
	824 to 849 MHz uplink 869 to 894 MHz downlink B5 for GSM, WCDMA, and LTE
	2,500 to 2,570 MHz uplink 2,620 to 2,690 MHz downlink B7 for LTE
	880 to 915 MHz uplink 925 to 960 MHz downlink B8 for GSM, WCDMA, and LTE.
	Dimensions with Solar Shield and Handle and Feet
Height	518 mm
Width	470 mm
Depth	190 mm
Dimensions without Solar Shield and without Handle or Feet	
Height	418 mm



DETAIL OF EQUIPMENT

**VIEW SOUTHWEST FROM CHARLESTOWN AVE
(EQUIPMENT PARTIALLY VISIBLE)**

SITE NO: MAL02038
SITE NAME: SONESTA
ADDRESS: 5 CAMBRIDGE PARKWAY
 CAMBRIDGE, MA 02142



PREPARED FOR:

1997 ANNAPOLIS EXCHANGE PKWAY
SUITE 200
ANNAPOLIS, MD 021401

Hudson Design Group LLC
 75 SUMMIT STREET
PHILMONT, NY 12565
 1400 OSGOOD STREET
BUILDING 20 NORTH, SUITE 3090
N. ANDOVER, MA 01845
 TEL: (978) 557-5553
 FAX: (978) 336-3586

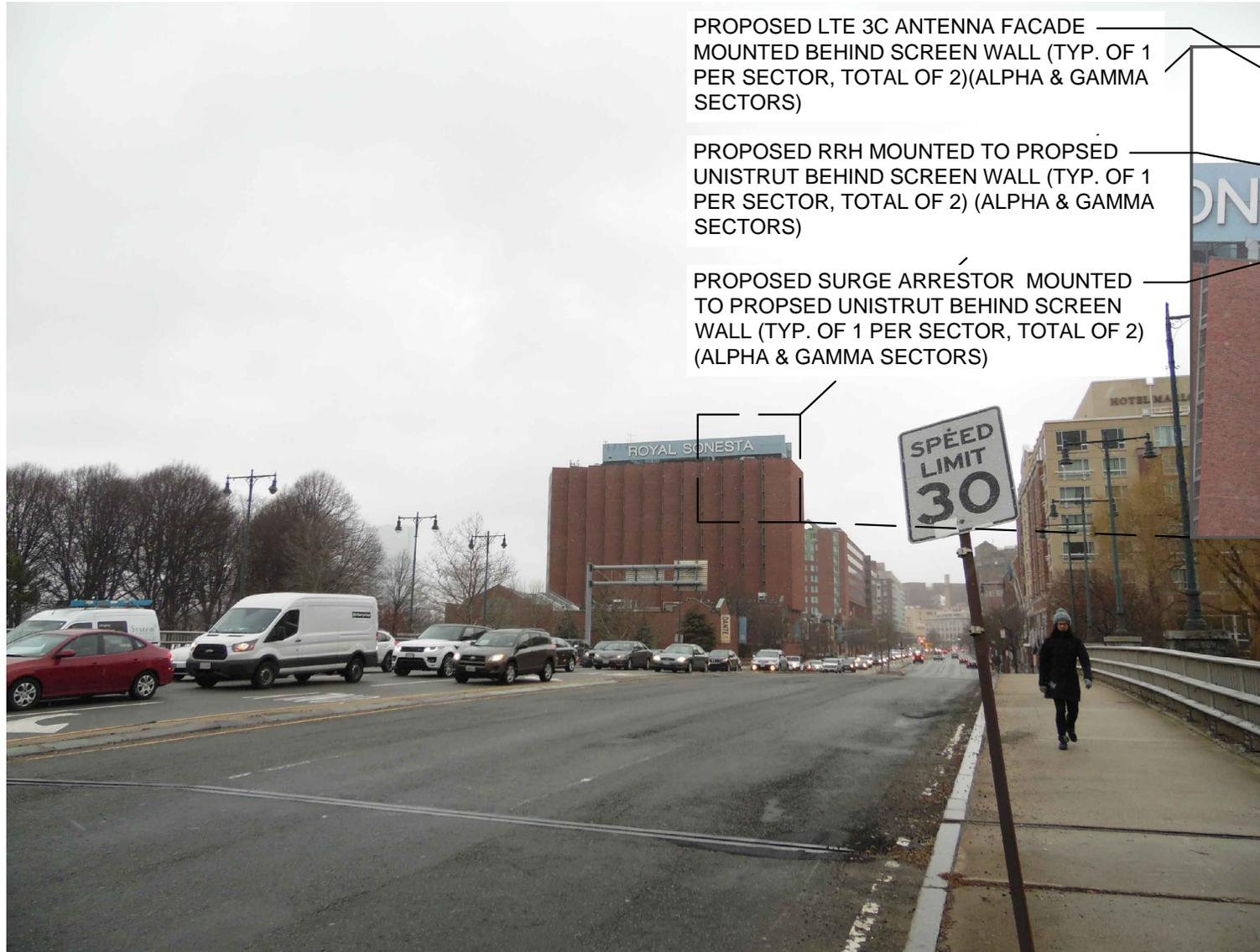
SITE TYPE: ROOFTOP
DATE: 03/11/2016 **REV:** 0
DRAWN BY: FM
SCALE: N.T.S.

THIS STUDY DOES NOT CLAIM IN ANY WAY TO SHOW THE ONLY AREAS OF VISIBILITY. IT IS MEANT TO SHOW A BROAD REPRESENTATION OF AREAS WHERE THE PROPOSED INSTALLATION MAY BE VISIBLE BASED UPON THE BEST INFORMATION FOR TOPOGRAPHY AND VEGETATION LOCATIONS AVAILABLE TO DATE.

PROPOSED CONDITIONS

LOCATION # 3

DATE OF PHOTO: 03/07/2016



PROPOSED LTE 3C ANTENNA FACADE MOUNTED BEHIND SCREEN WALL (TYP. OF 1 PER SECTOR, TOTAL OF 2)(ALPHA & GAMMA SECTORS)

PROPOSED RRH MOUNTED TO PROPSD UNISTRUT BEHIND SCREEN WALL (TYP. OF 1 PER SECTOR, TOTAL OF 2) (ALPHA & GAMMA SECTORS)

PROPOSED SURGE ARRESTOR MOUNTED TO PROPSD UNISTRUT BEHIND SCREEN WALL (TYP. OF 1 PER SECTOR, TOTAL OF 2) (ALPHA & GAMMA SECTORS)



DETAIL OF EQUIPMENT

**VIEW SOUTHWEST FROM CHARLESTOWN AVE
(EQUIPMENT PARTIALLY VISIBLE)**

SITE NO: MAL02038
SITE NAME: SONESTA
ADDRESS: 5 CAMBRIDGE PARKWAY
 CAMBRIDGE, MA 02142



550 COCHITUATE ROAD
FRAMINGHAM, MA 01701

PREPARED FOR:



1997 ANNAPOLIS EXCHANGE PKWAY
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75 SUMMIT STREET
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DATE: 03/11/2016 **REV:** 0
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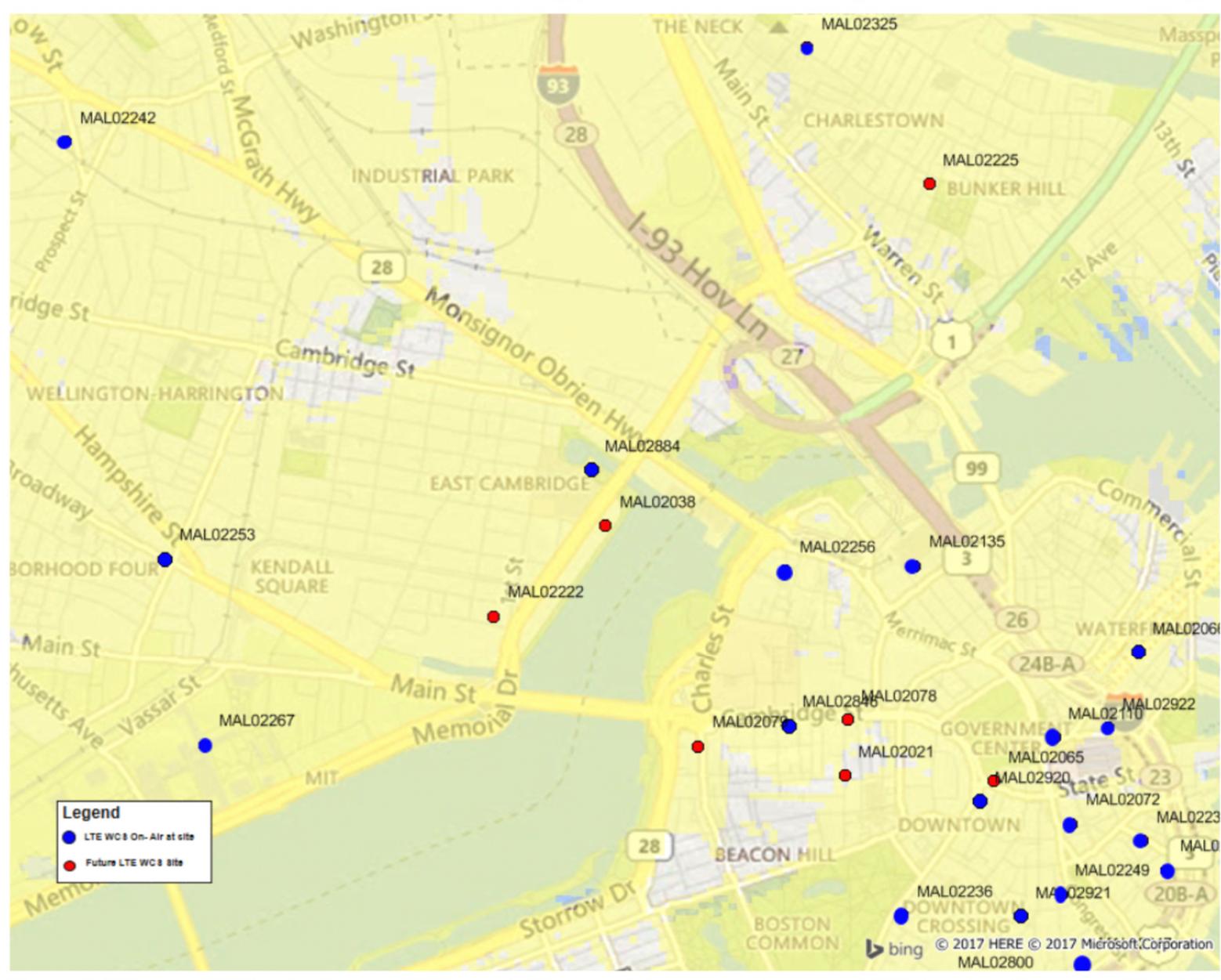
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MAL02038 LTE WCS Plots

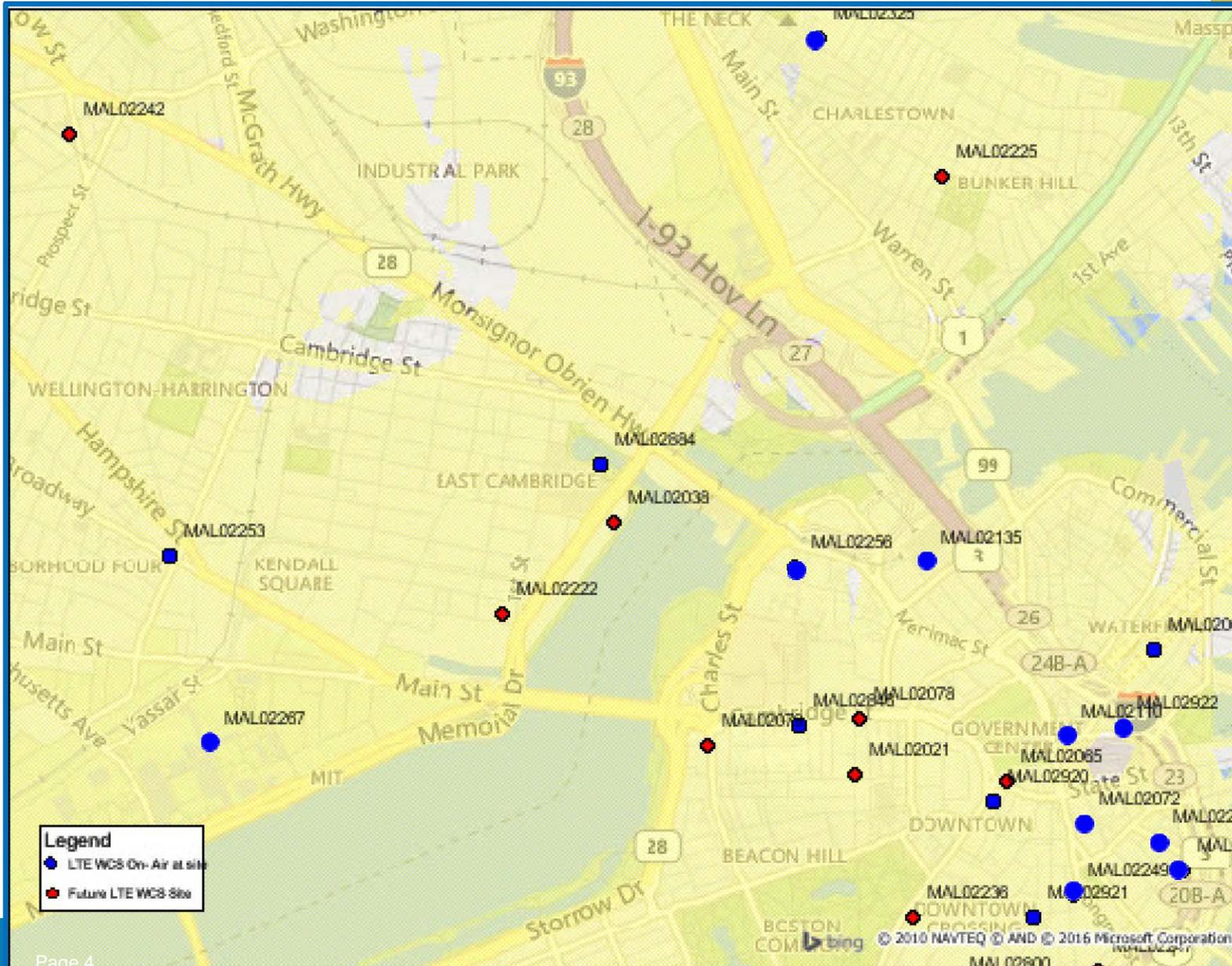
- Zoning Plots



LTE WCS Band Coverage with Proposed



LTE WCS Band Coverage with Existing & Future



STRUCTURAL CALCULATIONS

**US-MA-1036 – Royal Sonesta - Cambridge
AT&T Site #MAL02038**

**Prepared By
John Bozzetto, P.E.**

State Of Massachusetts PE License No. 49501

10/11/17



Reference: Bennett and Pless Rooftop Structural Opinion Letter Dated September 29, 2017

October 11, 2017

Code Search

Code: International Building Code 2009

Wind Loads :

ASCE 7 - 05

Basic Wind Speed	105 mph
Importance Factor	1.00
Occupancy Category	II
Exposure Category	C
Enclosure Classif.	Enclosed Building
Internal pressure	+/-0.18
Directionality (Kd)	0.85
Kh case 1	1.348
Kh case 2	1.348
Type of roof	Monoslope

Building Geometry:

Roof angle (θ)	0.00 / 12	0.0 deg
Building length (L)	175.0 ft	
Least width (B)	75.0 ft	
Mean Roof Ht (h)	135.0 ft	
Parapet ht above grd	1.0 ft	
Minimum parapet ht	1.0 ft	

Wind Loads - MWFRS all h (Enclosed/partially enclosed only)

Kh (case 2) = 1.35 h = 135.0 ft GCpi = +/-0.18
 Base pressure (qh) = **32.3 psf** ridge ht = 135.0 ft G = 0.85
 Roof Angle (θ) = 0.0 deg L = 175.0 ft qi = qh
 Roof tributary area - (h/2)*L: 11813 sf B = 75.0 ft
 (h/2)*B: 5063 sf

Nominal Wind Surface Pressures (psf)

Surface	Wind Normal to Ridge				Wind Parallel to Ridge				
	B/L = 0.43	h/L = 1.80			L/B = 2.33	h/L = 0.77			
	Cp	qhGCp	w/+qiGCpi	w/-qhGCpi	Dist.*	Cp	qhGCp	w/+qiGCpi	w/-qhGCpi
Windward Wall (WW)	0.80	22.0	see table below			0.80	22.0	see table below	
Leeward Wall (LW)	-0.50	-13.7	-19.6	-7.9		-0.28	-7.8	-13.6	-2.0
Side Wall (SW)	-0.70	-19.2	-25.1	-13.4		-0.70	-19.2	-25.1	-13.4
Leeward Roof (LR)	**				Included in windward roof				
Neg Windward Roof: 0 to h/2*	-1.04	-28.6	-34.4	-22.8	0 to h/2*	-0.98	-26.8	-32.7	-21.0
> h/2*	-0.70	-19.2	-25.1	-13.4	h/2 to h*	-0.79	-21.8	-27.6	-15.9
					h to 2h*	-0.61	-16.7	-22.6	-10.9
Pos/min windward roof press.	-0.18	-4.9	-10.8	0.9	Min press.	-0.18	-4.9	-10.8	0.9

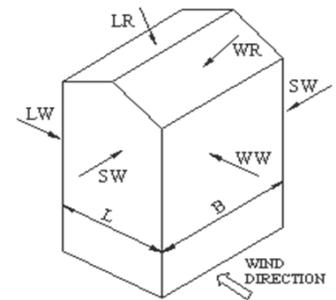
**Roof angle < 10 degrees. Therefore, leeward roof is included in windward roof pressure zones.

*Horizontal distance from windward edge

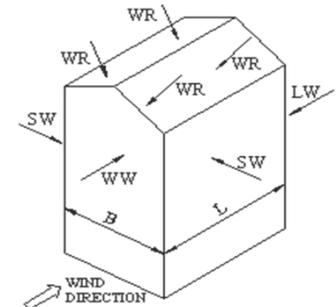
For monoslope roofs, entire roof surface is either windward or leeward surface.

Windward Wall Pressures at "z" (psf)

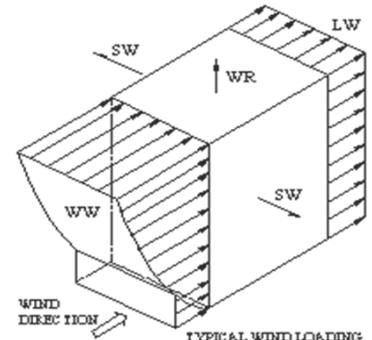
z	Kz	Kzt	Windward Wall			Combined WW + LW	
			qzGCp	w/+qiGCpi	w/-qhGCpi	Normal to Ridge	Parallel to Ridge
0 to 15'	0.85	1.00	13.8	8.0	19.7	27.6	21.6
20.0 ft	0.90	1.00	14.7	8.9	20.5	28.5	22.5
25.0 ft	0.95	1.00	15.4	9.6	21.2	29.2	23.2
30.0 ft	0.98	1.00	16.0	10.2	21.8	29.8	23.8
40.0 ft	1.04	1.00	17.0	11.2	22.8	30.8	24.8
50.0 ft	1.09	1.00	17.8	12.0	23.7	31.6	25.6
60.0 ft	1.14	1.00	18.5	12.7	24.4	32.3	26.3
70.0 ft	1.17	1.00	19.2	13.3	25.0	32.9	26.9
80.0 ft	1.21	1.00	19.7	13.9	25.5	33.4	27.5
90.0 ft	1.24	1.00	20.2	14.4	26.0	33.9	28.0
100.0 ft	1.27	1.00	20.6	14.8	26.5	34.4	28.4
120.0 ft	1.32	1.00	21.5	15.6	27.3	35.2	29.2
h= 135.0 ft	1.35	1.00	22.0	16.2	27.8	35.7	29.8



WIND NORMAL TO RIDGE



WIND PARALLEL TO RIDGE



TYPICAL WIND LOADING

NOTE:
 See figure in ASCE7 for the application of full and partial loading of the above wind pressures. There are 4 different loading cases.

Parapet

z	Kz	Kzt	qp (psf)
1.0 ft	0.85	1.00	20.4

Windward parapet: 30.5 psf (GCpn = +1.5)
 Leeward parapet: -20.4 psf (GCpn = -1.0)

Windward roof overhangs (add to windward roof pressure) : 22.0 psf (upward)

Bennett and Pless, Inc.
 750 Park of Commerce Dr, Ste. 200
 Boca Raton, FL 33487
 p. 561-288-4248

10/11/2017

Job Title US-MA-1036
 Job Number 17305.004
 Calculated by JB
 Reviewed By: JB

Analysis Design Summary

Design Criteria:

Structure Class = **II** Design Standard: TIA Rev G
 Basic Wind Speed = **105 mph** Risk Category = II Mounted on Roof? **Yes**
 Wind Speed w/ Ice = **30 mph** Base Elevation = **130**
 Exposure Category = **C**
 Topographic Category = **1** Crest Ht.= **0 ft** **sum = 1048.8 lbs**
 Centerline of Mount = **135.0 ft**

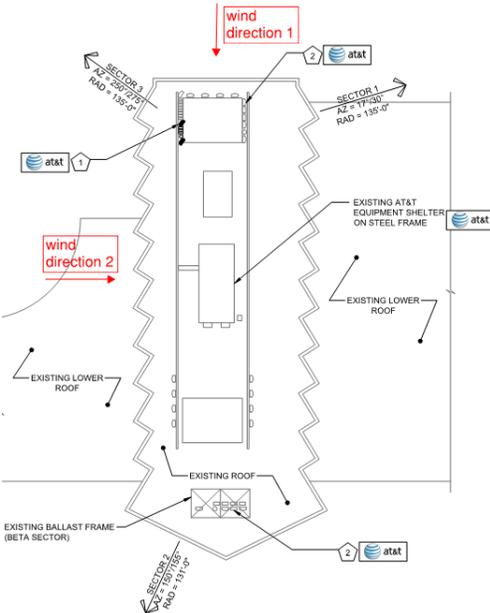
Appurtenance Summary

Description	Rad Height	Wt	Quantity / Sector	Round / Flat	Length (in)	Width (in)	Depth (in)	(F _{AN}) (lbs)				(F _{AT}) (lbs)			
								@ 0°	@ 30°	@ 60°	@ 90°	@ 0°	@ 30°	@ 60°	@ 90°
KMW AM-X-CD-14-65-00T-RET	135	36.4	1	Flat	48	11.8	5.9	272	204	68.01	0	0	53.57	160.7	214.3
Kathrein 742-264	135	36.4	2	Flat	51.8	10.3	5.5	264.9	198.7	66.22	0	0	53.89	161.7	215.6
Ericsson RRUS-11	135	50.11	2	Flat	19.65	16.96	7.16	151.3	113.5	37.82	0	0	16.11	48.33	64.45
Kaels Dual Diplexers	135	6.6	4	Flat	9.9	8.8	2.6	39.55	29.66	9.887	0	0	3.063	9.188	12.25
Andrew SBNHH-1D65A	135	33.5	2	Flat	55	11.9	7.1	320.5	240.3	80.12	0	0	73.86	221.6	295.4
Ericsson RRUS-12	135	50.11	2	Flat	20.4	18.5	7.5	171.3	128.5	42.83	0	0	17.51	52.52	70.02
Ericsson RRUS-32	135	50.11	1	Flat	27.2	12.1	7	149.4	112.1	37.35	0	0	22.72	68.15	90.87
Raycap DC6-48-60-18-8C	135	45	1	Round	24	9.7	9.7	61.65	46.23	15.41	0	0	15.41	46.23	61.65
Powerwave TMA	135	16	2	Flat	9.9	6.7	5.4	30.11	22.58	7.528	0	0	6.067	18.2	24.27

Design Ice Thickness= **1.00 in**

Iced Wind Loads (F _{ANi}) (lbs)								Wt. (lbs)	
Antenna Model	@ 0°	@ 30°	@ 60°	@ 90°	@ 0°	@ 30°	@ 60°		@ 90°
MW AM-X-CD-14-65-00T-RE	19.015	14.26	4.754	0	0	2.59	7.765	10.35	185.5
Kathrein 742-264	19.353	14.51	4.838	0	0	2.81	8.43	11.24	180.2
Ericsson RRUS-11	10.052	7.539	2.513	0	0	1.15	3.46	4.613	122.1
Kaels Dual Diplexers	2.9344	2.201	0.734	0	0	0.28	0.83	1.106	38.06
Andrew SBNHH-1D65A	22.749	17.06	5.687	0	0	3.6	10.79	14.38	222.6
Ericsson RRUS-12	11.301	8.475	2.825	0	0	1.14	3.43	4.573	134.9
Ericsson RRUS-32	10.025	7.518	2.506	0	0	1.48	4.451	5.935	125.2
Raycap DC6-48-60-18-8C	2.478	1.859	0.62	0	0	0.59	1.761	2.349	116.5
Powerwave TMA	2.3152	1.736	0.579	0	0	0.4	1.189	1.585	41.56

PER MA STATE BUILDING CODE - INTERNATIONAL EXISTING BUILDING CODE 2009 CHAPTER 10, ADDITIONS, SECTION 1003.3 LATERAL-FORCE-RESISTING SYSTEM, EXCEPTION 2 - IN OTHER EXISTING BUILDINGS WHERE THE LATERAL-FORCE STORY SHEAR IN ANY STORY IS NOT INCREASED BY MORE THAN 10 PERCENT CUMULATIVE.



Wind direction 1	
Wind load (psf)	Story shear from and half of top floor penthouse (lbs)
35.7	30166.5

Wind direction 1	
Story shear from antennas (lbs)	Story Shear with Antennas (lbs)
1048.8	31215.3

% difference **3.48%**
<10%, OK

Penthouse dimensions				
w	x	l	x	h
140	x	40	x	8

Half of top story going to roof diaphragm				
w	x	l	x	h
175	x	75	x	7

FOR WIND DIRECTION 2 THE ANTENNAS ARE COMPLETELY SHIELDED FROM THE EXISTING SCREENWALL.

NO ALTERATIONS ARE PROPOSED FOR THE ALPHA (SECTOR 1) AND BETA (SECTOR 2) AND ARE NOT INCLUDED IN THIS REPORT.

112-831X 11:35 1957-2760

OK 14857 PG 350

25
2
27

QUITCLAIM DEED

THE CITY OF CAMBRIDGE (the CITY), a body politic and corporate and a political subdivision of the Commonwealth of Massachusetts, for good and valuable consideration and in full consideration of \$1,582,860, grants to Brian T. Owen, Roger P. Sonnabend and John J. Duane, Trustees of Charterhouse of Cambridge Trust, under deed of trust dated December 27, 1963, recorded with Middlesex South District Registry of Deeds in Book 11160, Page 340, an amended (TRUSTEES), a Massachusetts business trust having a mailing address c/o HONESTA INTERNATIONAL HOTELS CORPORATION, 200 Clarendon Street, Boston, Massachusetts, with quitclaim covenants, the land situated in Cambridge, County of Middlesex and Commonwealth of Massachusetts, more particularly described as follows (the Premises):

The land between the easterly side of Commercial Avenue and the western side of the Northern Traffic Artery (Cambridge Parkway) and shown on a plan by the City of Cambridge titled "Land Acquisition Plan-Cambridge, Massachusetts", dated November 1980, and described as follows:

Beginning at a point at the most northeasterly corner of the parcel to be described; said point being S 35° 28' 39" W and 193.76 feet from a stone bound on the westerly side line of Cambridge Parkway;

THENCE, N 54° 31' 21" W along land now or formerly of Brian T. Owen & Roger Sonnabend, said line being in the middle of a Right-Of-Way, to a distance of 175.00 feet to a point;

RECORDED AT ADDRESS: 31-37 Cambridge Parkway, Cambridge, Massachusetts 02142

THENCE, S 35° 28' 39" W, along the easterly
sideline of Commercial Avenue, a distance of
268.50 feet to a point;

THENCE, S 54° 31' 21" E, through land now or
formerly of Real Estate Investment Trust of
America, a distance of 175.00 feet to a point;

THENCE, N 35° 28' 39" E, along the westerly
sideline of Cambridge Parkway, a distance of
268.50 feet to the point of beginning.

The above described parcel contains 46,987.5
square feet, more or less.

Meaning and intending to convey and hereby conveying the
same premises shown as "Area - 46,987 S.F. ±" on the plan en-
titled "LAND ACQUISITION PLAN FOR CITY OF CAMBRIDGE," dated
November 19, 1980 by Cullinan Engineering Co., Inc., recorded
with said Deeds in Book 14159, Page 51.

This deed shall be deemed to correct the following
scrivener's errors which occurred in the Order of Taking: (i)
the reference to "...the westerly side line of Cambridge
Parkway..." was inadvertently described a "easterly"; (ii) the
proper name "Brian T. Owen" was inadvertently spelled "Ownen";
and (iii) the reference to "...the easterly sideline of Commer-
cial Avenue..." was inadvertently described as "westerly."

The Premises are conveyed subject to the provisions of
an Attorney's Certificate of Affidavit of even date and record
herewith relating to the provisions of a Development Agreement
referred to therein affecting the Premises.

The CITY warrants to TRUSTEES that it has not dedicated
the Premises for use as a public park in such manner as to
require a special legislative act for approval of the deed pur-
suant to Article 97 of the Amendments to the Massachusetts
Constitution.

The CITY further warrants that no new right-of-way over the Premises is expressly granted or implied as a result of this deed or the plan described herein.

Furthermore, to ensure that the officer executing this deed has power to deliver the same it is hereby declared that there has been full compliance with the provisions of Section 67A of Chapter 44 of the Massachusetts General Laws.

For the title of the CITY see the Orders of Taking recorded with the Middlesex South District Registry of Deeds in Book 14159, Pages 51-52.

WITNESS the execution hereof under seal by the City of Cambridge, this 10th day of January, 1983.

CITY OF CAMBRIDGE

By *Robert W. Healy*
Robert W. Healy
City Manager

APPROVED AS TO FORM
Russell B. Healy
CITY SECRETARY

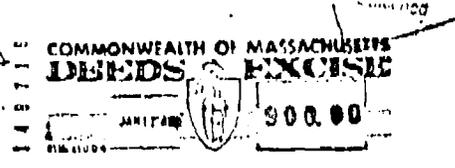
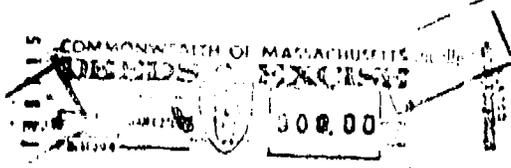
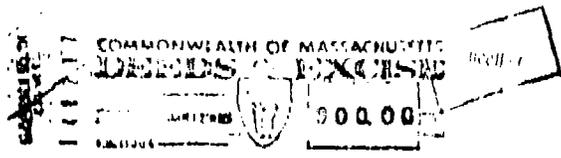
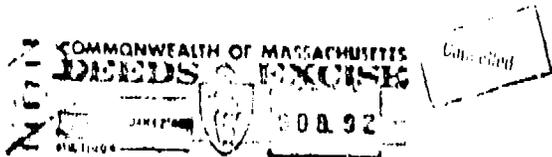
COMMONWEALTH OF MASSACHUSETTS

Middlesex, ss.

January 10, 1983

Then personally appeared the above-named Robert W. Healy, City Manager of the City of Cambridge and acknowledged the foregoing instrument to be the free act and deed of said City of Cambridge, before me.

Russell B. Higley
Notary Public
My commission Expires 12/23/85



FILED

JAN 31 2012

**CERTIFICATE OF CONVERSION
FROM OTHER BUSINESS ENTITY
TO LIMITED LIABILITY COMPANY**

MASSACHUSETTS COMMONWEALTH
SECRETARY OF STATE'S DIVISIONS

Pursuant to Chapter 156C, Section 69 of the Massachusetts Limited Liability Company Act, the undersigned hereby submit the following Certificate of Conversion for filing:

1. The name, federal identification number, date and jurisdiction of formation or organization of the other business entity immediately prior to its conversion to a limited liability company are:

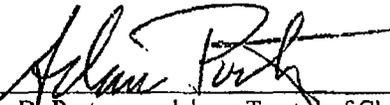
<u>Name</u>	<u>Federal Identification Number</u>	<u>Date of Formation</u>	<u>Jurisdiction of Formation</u>
Charterhouse of Cambridge Trust	T00000448	December 27, 1963	Massachusetts

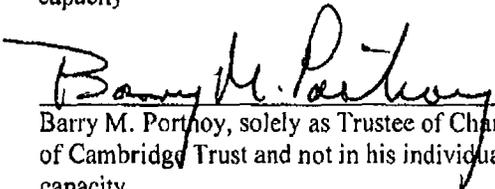
2. The name of the limited liability company into which the other business entity shall be converted, as set forth in its Certificate of Organization, is HPT Cambridge LLC.

[Signature Page Follows]

IN WITNESS WHEREOF, the undersigned have executed this Certificate of Conversion from Other Business Entity to Limited Liability Company as of January 31, 2012.

TRUSTEES:


Adam D. Portnoy, solely as Trustee of Charterhouse of Cambridge Trust and not in his individual capacity


Barry M. Portnoy, solely as Trustee of Charterhouse of Cambridge Trust and not in his individual capacity



MARTHA COAKLEY
ATTORNEY GENERAL

THE COMMONWEALTH OF MASSACHUSETTS OFFICE OF THE ATTORNEY GENERAL

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

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

June 10, 2014

Janet A. Vellante, Town Clerk
Town of Harvard
13 Ayer Road
Harvard, MA 01451-1458

**RE: Harvard Annual Town Meeting of April 1, 2014 - Case # 7101
Warrant Articles # 40, 41, 42, 43, 44, 45 and 46 (Zoning)
Warrant Articles # 19 and 38 (General)**

Dear Ms. Vellante:

Articles 19, 38, 40, 41, 42, 43, 44, and 45 - We approve these Articles, and the maps pertaining to Articles 42 and 44, from the Harvard Annual Town Meeting of April 1, 2014. We will return the approved maps to you by regular mail. Our comments on Article 41 are detailed below.

Article 46 - We retain Article 46 for further review and will issue our decision on it before our deadline of July 29, 2014.

Article 41 - Article 41 amends the Town's zoning by-laws Section 125-27, "Wireless Communications Towers Overlay District," by adding a new subsection D (3) to accommodate the Town's public safety department communication equipment. The new subsection D (3) provides as follows:

For new towers, or modifications to existing towers that require grant of a special permit by the Planning Board, the tower owner shall allow the installation of municipal public safety communications equipment provided such equipment does not interfere with the service of other carriers on the tower. The Town shall bear the cost of the equipment and its installation.

The new subsection D (3) requires a wireless communications tower owner to provide space on the tower for municipal public safety equipment. Subsection D (3) expressly provides that the Town shall pay the cost of the equipment and its installation. However, subsection D (3) is silent on whether the space will be provided at no charge. Subsection D (3) cannot be interpreted and applied to mean that the Town must only pay the costs associated with the installation of its antennas and equipment and nothing else. Such interpretation and application would be a "taking" in violation of the Fifth Amendment as applied to the states via the

Fourteenth and Article 10 of the Massachusetts Declaration of Rights. See Loretto v. Teleprompter Manhattan CATV Corp., 458 U.S. 419, 426 (1982); Nollan v. California Coastal Comm'n., 483 U.S. 825, 831 (1987); and Dolan v. City of Tigard, 512 U.S. 374, 383 (1994). We strongly suggest that the Town discuss the proper application of subsection D (3) with Town Counsel.

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 that 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 voted by Town Meeting, unless a later effective date is prescribed in the by-law.

Very truly yours,
MARTHA COAKLEY
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 Mark J. Lanza



THE COMMONWEALTH OF MASSACHUSETTS
OFFICE OF THE ATTORNEY GENERAL

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

MAURA HEALEY
ATTORNEY GENERAL

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(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.

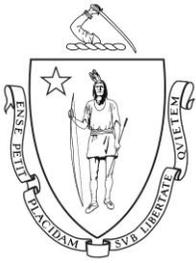
Very truly yours,

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



THE COMMONWEALTH OF MASSACHUSETTS
OFFICE OF THE ATTORNEY GENERAL

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

MAURA HEALEY
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(508) 795-1991 fax
www.mass.gov/ago

February 23, 2015

Debra A. Bourbeau, Town Clerk
Town of Montague
1 Avenue A
Montague, MA 01376

**RE: Montague Special Town Meeting of October 29, 2014 - Case # 7451
Warrant Article # 17 (Zoning)**

Dear Ms. Bourbeau:

Article 17 - We approve Article 17 from the October 29, 2014 Montague Special Town Meeting. Article 17 amends several portions of the Town's zoning by-laws pertaining to site plan review.

1. Section 5.2 (d), Permitted Uses and Special Permits - Procedures

Section 5.2 (d) was deleted in its entirety and replaced with new text that provides as follows (with emphasis added):

All applications for Special Permits and Site Plan Review from the Board of Appeals or the Planning Board shall be subject to the procedural requirements established by the respective Board. The Board of Appeals or Planning Board may determine that the assistance of outside professional expertise is required due to the size, scale, or complexity of a given project or its potential impact on the health, safety, and welfare of the Town. When outside review is determined to be necessary, the Board may require the applicant pay all reasonable expenses for this purpose, in accordance with the Board's regulations and M.G.L. Chapter 44 Section 53G.

General Laws Chapter 44, Section 53G, authorizes zoning boards, planning boards, boards of health, and conservation commissions, acting under authority conferred by G.L. c. 40A, § 9 and 12, c. 41, § 81Q, c. 40B, § 21, c. 111; and c. 40, § 8C, to impose consultant review fees, to disburse the funds collected, and to return unused portions to the applicant. However, the Legislature did not include Boards acting under the authority conferred solely by a local law within the small class of local boards that enjoy the benefits of G.L. c. 44, § 53G. When the Board is reviewing a site plan application based solely on the authority granted under local law, it cannot avail itself of the provisions of G.L. c. 44, § 53G. We suggest that the Town discuss this issue in more detail with Town Counsel.

2. Section 7.5.2, Telecommunication Facilities - General Provisions

Section 7.5.2, was deleted in its entirety and replaced with new text that provides as follows:

Telecommunication Facilities may be allowed by Special Permit from the Board of Appeals pursuant to Sections 5.2 and Section 7.5. Conditions shall maximize the shared use of any new or existing structures to minimize the required number of such facilities; and shall minimize[e] adverse visual impacts through careful design, siting, and screening. No facility shall be located in a (RS) Residential District. (see: Section 2, Definitions).

Section 7.5.2 must be applied in a manner consistent with Section 6409 of the Middle Class Tax Relief and Job Creation Act of 2012, which 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 Section 7.5.2 in a manner consistent with the applicable law outlined above. 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.

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

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June 10, 2014

Janet A. Vellante, Town Clerk
Town of Harvard
13 Ayer Road
Harvard, MA 01451-1458

**RE: Harvard Annual Town Meeting of April 1, 2014 - Case # 7101
Warrant Articles # 40, 41, 42, 43, 44, 45 and 46 (Zoning)
Warrant Articles # 19 and 38 (General)**

Dear Ms. Vellante:

Articles 19, 38, 40, 41, 42, 43, 44, and 45 - We approve these Articles, and the maps pertaining to Articles 42 and 44, from the Harvard Annual Town Meeting of April 1, 2014. We will return the approved maps to you by regular mail. Our comments on Article 41 are detailed below.

Article 46 - We retain Article 46 for further review and will issue our decision on it before our deadline of July 29, 2014.

Article 41 - Article 41 amends the Town's zoning by-laws Section 125-27, "Wireless Communications Towers Overlay District," by adding a new subsection D (3) to accommodate the Town's public safety department communication equipment. The new subsection D (3) provides as follows:

For new towers, or modifications to existing towers that require grant of a special permit by the Planning Board, the tower owner shall allow the installation of municipal public safety communications equipment provided such equipment does not interfere with the service of other carriers on the tower. The Town shall bear the cost of the equipment and its installation.

The new subsection D (3) requires a wireless communications tower owner to provide space on the tower for municipal public safety equipment. Subsection D (3) expressly provides that the Town shall pay the cost of the equipment and its installation. However, subsection D (3) is silent on whether the space will be provided at no charge. Subsection D (3) cannot be interpreted and applied to mean that the Town must only pay the costs associated with the installation of its antennas and equipment and nothing else. Such interpretation and application would be a "taking" in violation of the Fifth Amendment as applied to the states via the

Fourteenth and Article 10 of the Massachusetts Declaration of Rights. See Loretto v. Teleprompter Manhattan CATV Corp., 458 U.S. 419, 426 (1982); Nollan v. California Coastal Comm'n., 483 U.S. 825, 831 (1987); and Dolan v. City of Tigard, 512 U.S. 374, 383 (1994). We strongly suggest that the Town discuss the proper application of subsection D (3) with Town Counsel.

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 that 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 voted by Town Meeting, unless a later effective date is prescribed in the by-law.

Very truly yours,
MARTHA COAKLEY
ATTORNEY GENERAL

Margaret J. Hurley

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