

**DEPARTMENT OF ENVIRONMENTAL PROTECTION
WATERWAYS REGULATION PROGRAM**

**Notice of License Application pursuant to M. G. L. Chapter 91
Waterways License Amendment Application Number W08-2393**

**Applicant: Mirant Kendall LLC
Project Location: 265 First Street, Cambridge, MA; Broad Canal
Project Description: Public Access walkway**

Public Comments Deadline: August 26, 2008

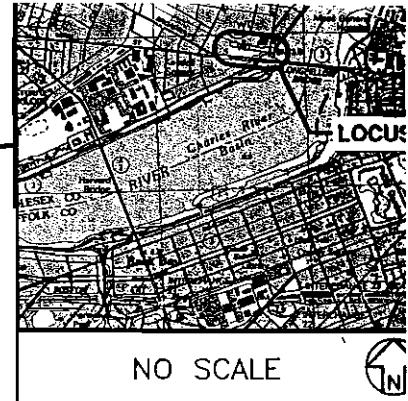
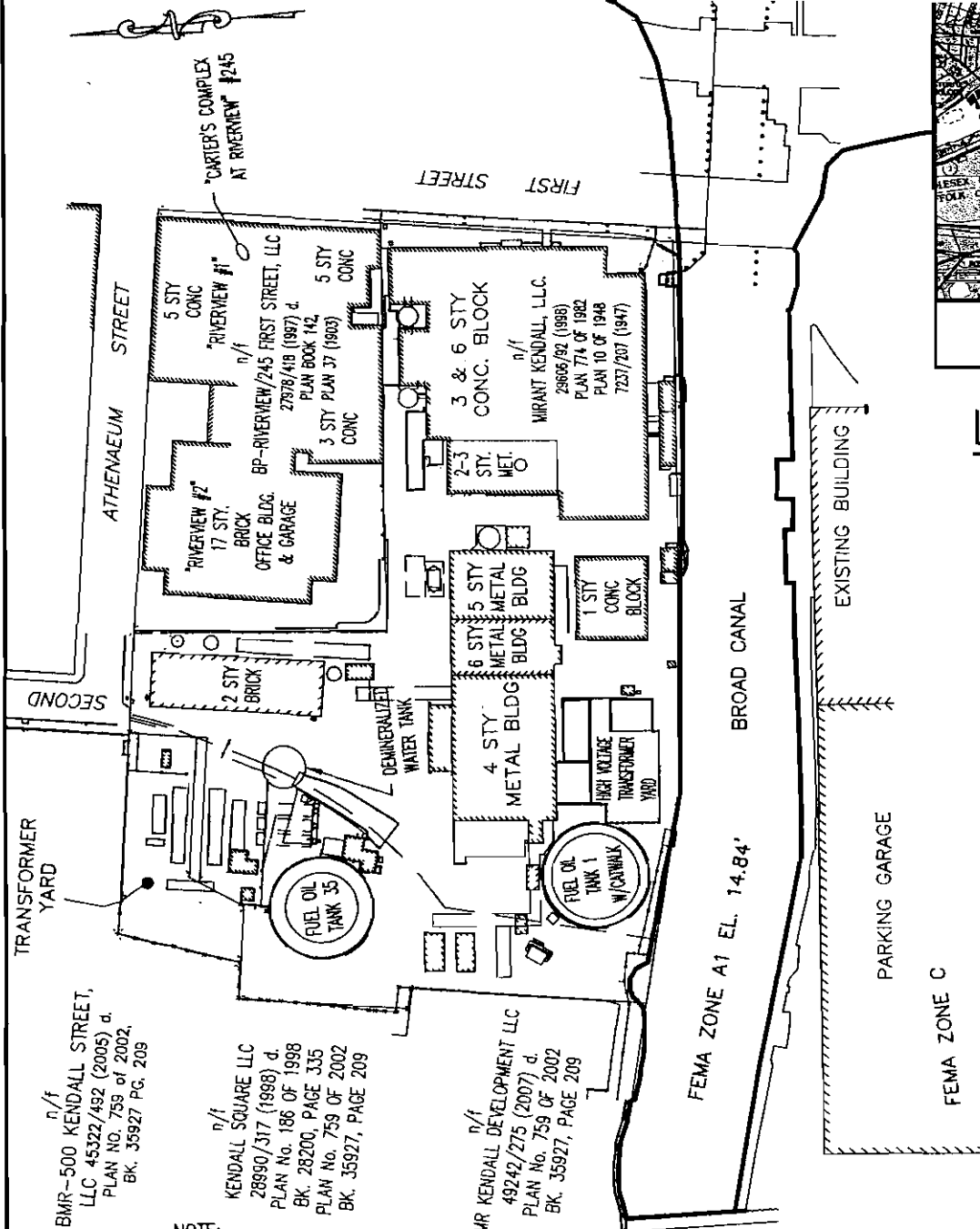
NOTIFICATION DATE: July 29, 2008

Public notice is hereby given of the Waterways application by Mirant Kendall LLC to realign, construct, and maintain a publicly accessible walkway at 265 First Street in the municipality of Cambridge in and over Filled and Flowed Tidelands of the Broad Canal. The proposed project has been determined to be water-dependent.

The Department will consider all written comments on this Waterways application received by August 26, 2008 (Public Comments Deadline). Failure of any aggrieved person or group of ten citizens or more to submit written comments to the Waterways Regulation Program by the Public Comments Deadline will result in the waiver of any right to an adjudicatory hearing in accordance with 310 CMR 9.13(4)(c).

Additional information regarding this application may be obtained by contacting the Waterways Regulation Program at (617)292-5615. Project plans and documents for this application are on file with the Waterways Regulation Program for public viewing, by appointment only, at the address below.

Written comments must be addressed to: Ben Lynch, Program Chief, DEP Waterways Regulation Program, One Winter Street - 5th Floor, Boston, MA 02108.



LOCUS PLAN

n/f
BMR-500 KENDALL STREET, LLC 45322/492 (2005) d. PLAN No. 759 OF 2002, BK. 35927 PG. 209

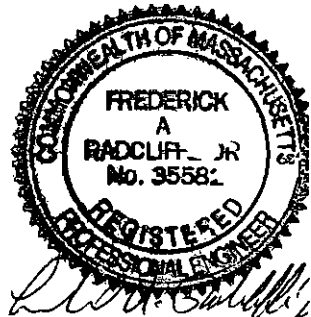
n/f
KENDALL SQUARE LLC 28990/317 (1998) d. PLAN No. 186 OF 1998 BK. 28200, PAGE 335 PLAN No. 759 OF 2002 BK. 35927, PAGE 209

n/f
BMR KENDALL DEVELOPMENT LLC 49242/275 (2007) d. PLAN No. 759 OF 2002 BK. 35927, PAGE 209

n/f
PREEF AMERICA REIT II CORP. PPP 44450/263 (2005) d. PLAN No. 1023 OF 1981 BK. 14412, PAGE 199

NOTE:
WATERLINES FOLLOW FACE OF EXISTING SEAWALL.

DATUM: CAMBRIDGE CITY BASE = 0.0'
FLOOD = 14.84'
OHW = 14.24'
OLW = 12.24'



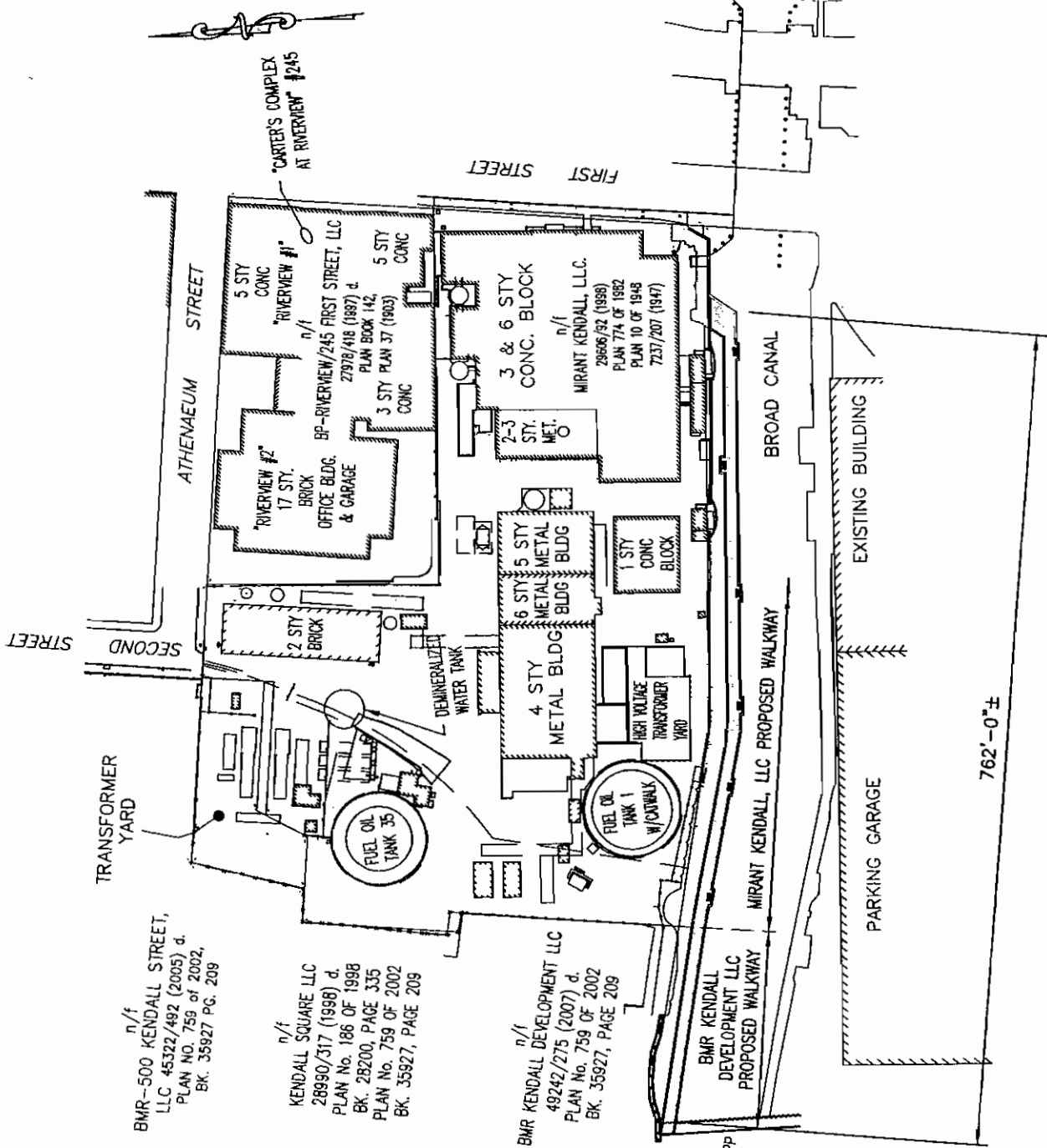
EXISTING SITE PLAN

SCALE OF FEET

SCALE: 1"=150'-0"

SHEET 1 OF 10

PLANS ACCOMPANYING PETITION OF
MIRANT KENDALL, LLC
TO CONSTRUCT AND MAINTAIN STEEL
PILE SUPPORTED TIMBER WALKWAY
AT BROAD CANAL, CAMBRIDGE
COUNTY OF MIDDLESEX, MASSACHUSETTS
MAY, 2008



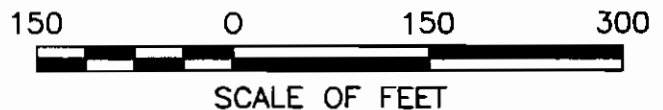
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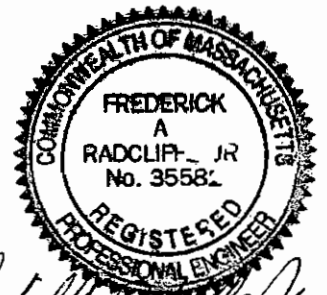
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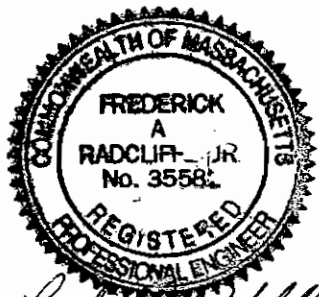
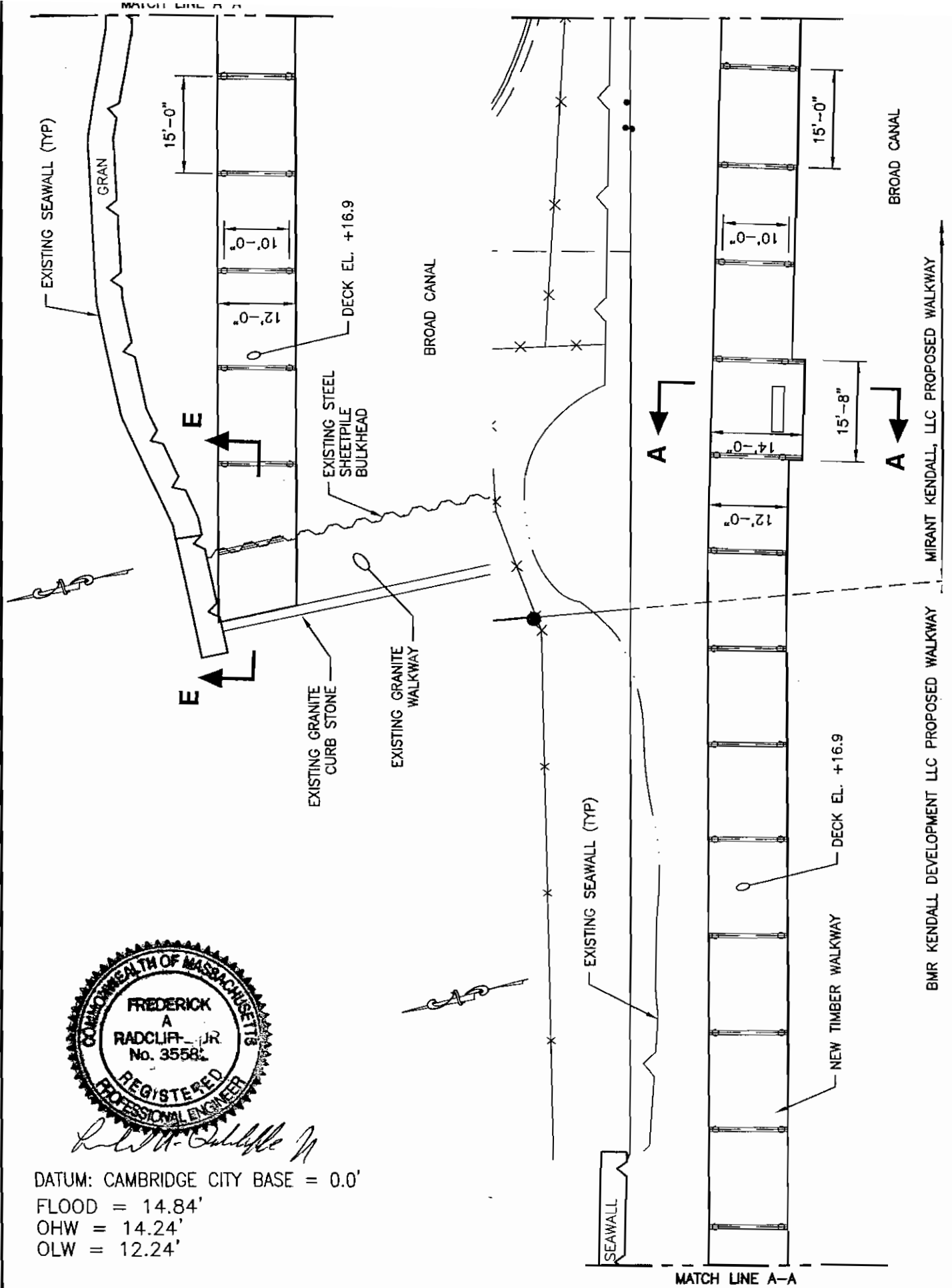
SCALE OF FEET



Frederick A. Radcliff, Jr.

PROPOSED SITE PLAN

SCALE: 1"=150'-0"



Frederick A. Radcliffe, Jr.

DATUM: CAMBRIDGE CITY BASE = 0.0'
 FLOOD = 14.84'
 OHW = 14.24'
 OLW = 12.24'

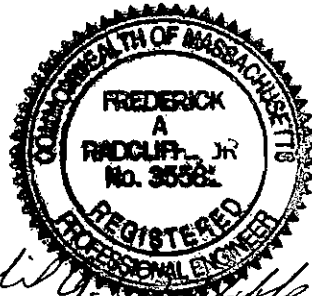
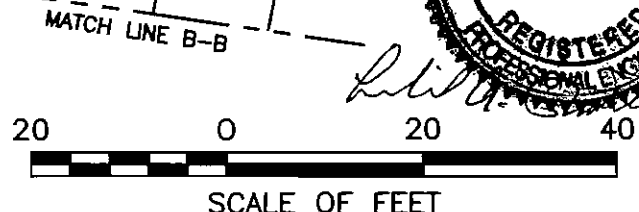
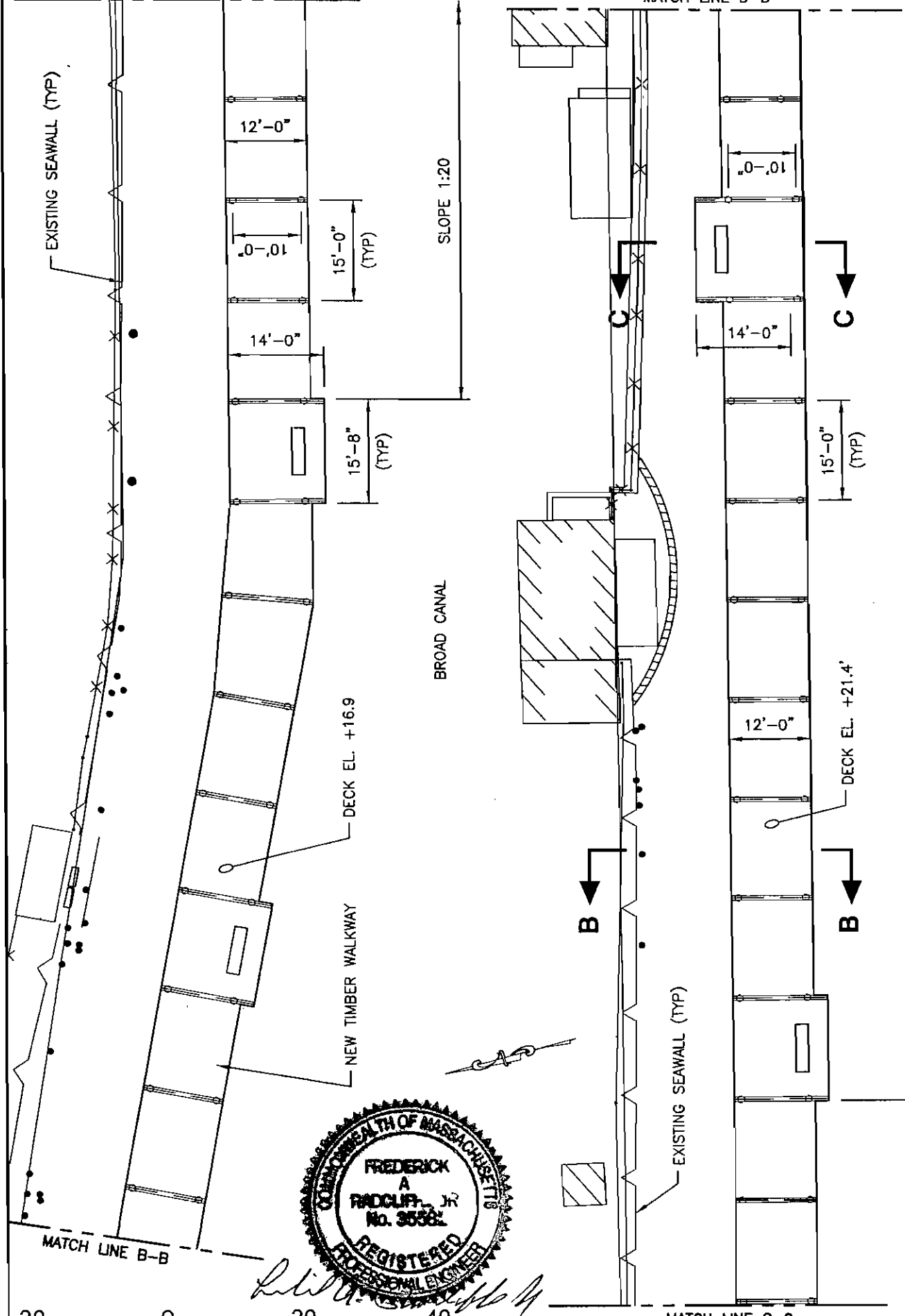
PROPOSED PLAN

SCALE: 1"=20'-0"



SCALE OF FEET

BMR KENDALL DEVELOPMENT LLC PROPOSED WALKWAY
 MIRANT KENDALL, LLC PROPOSED WALKWAY
 BROAD CANAL

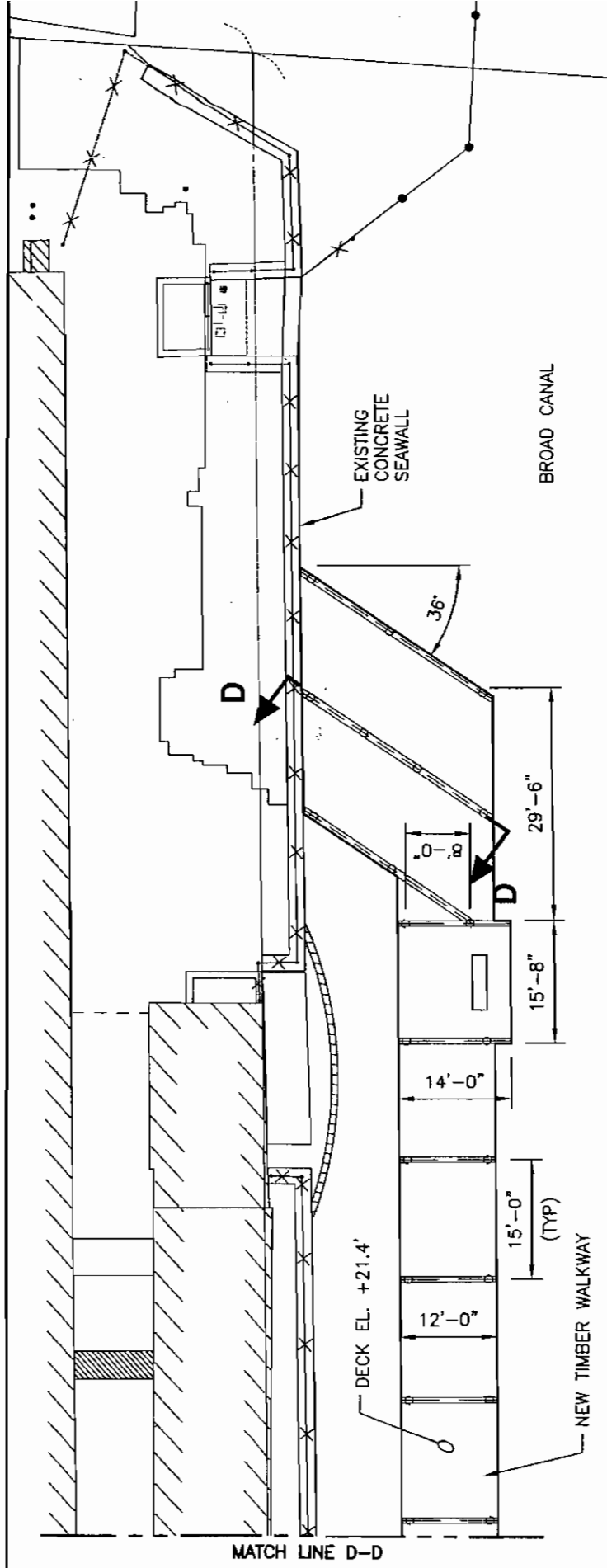


Frederick A. Radcliff, Jr.

PROPOSED PLAN

SCALE: 1"=20'-0"

DATUM: CAMBRIDGE CITY BASE = 0.0'
 FLOOD = 14.84'
 OHW = 14.24'



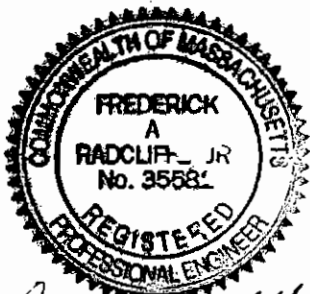
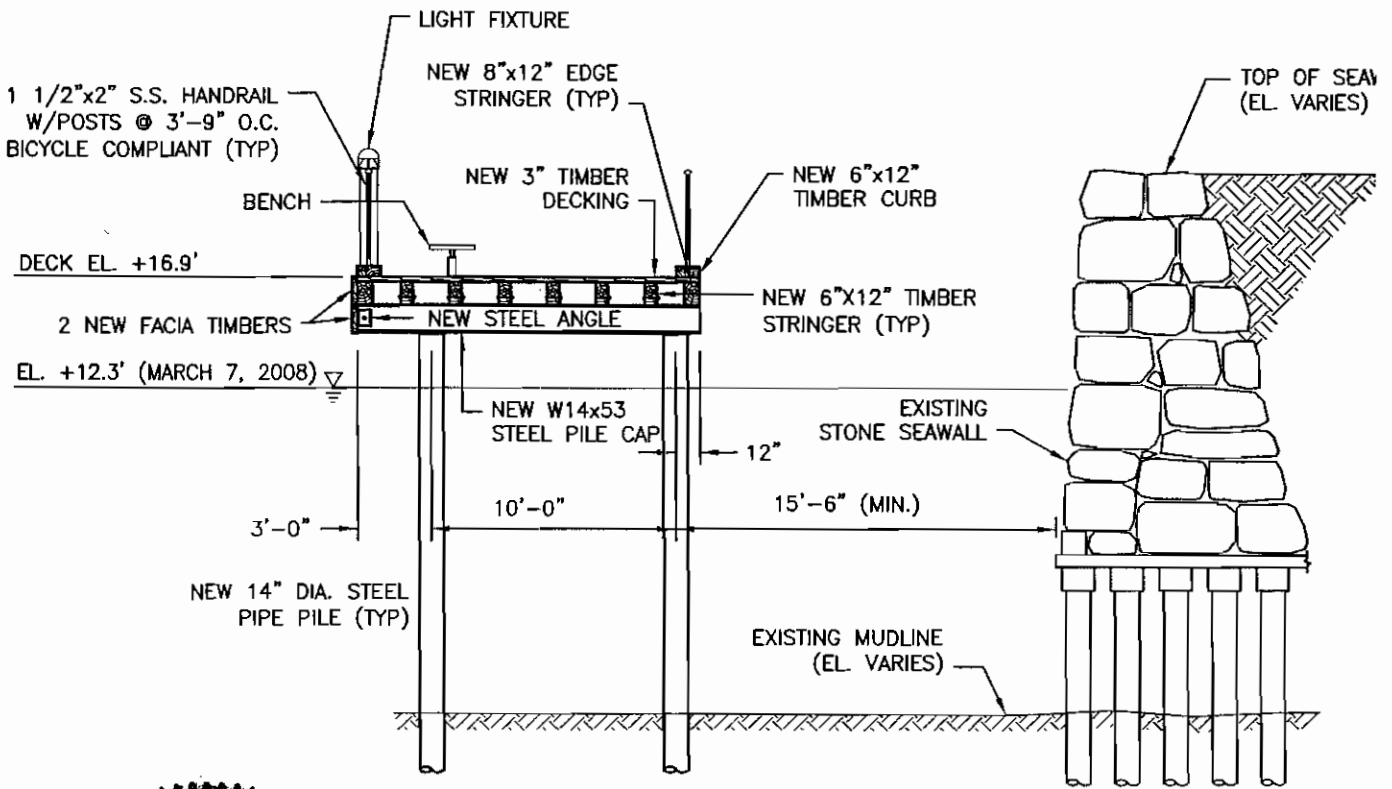
PROPOSED PLAN

SCALE: 1"=20'-0"

DATUM: CAMBRIDGE CITY BASE = 0.0'
 FLOOD = 14.84'
 OHW = 14.24'
 OLW = 12.24'



SCALE OF FEET



Frederick A. Radcliffe, Jr.

PROPOSED SECTION A-A

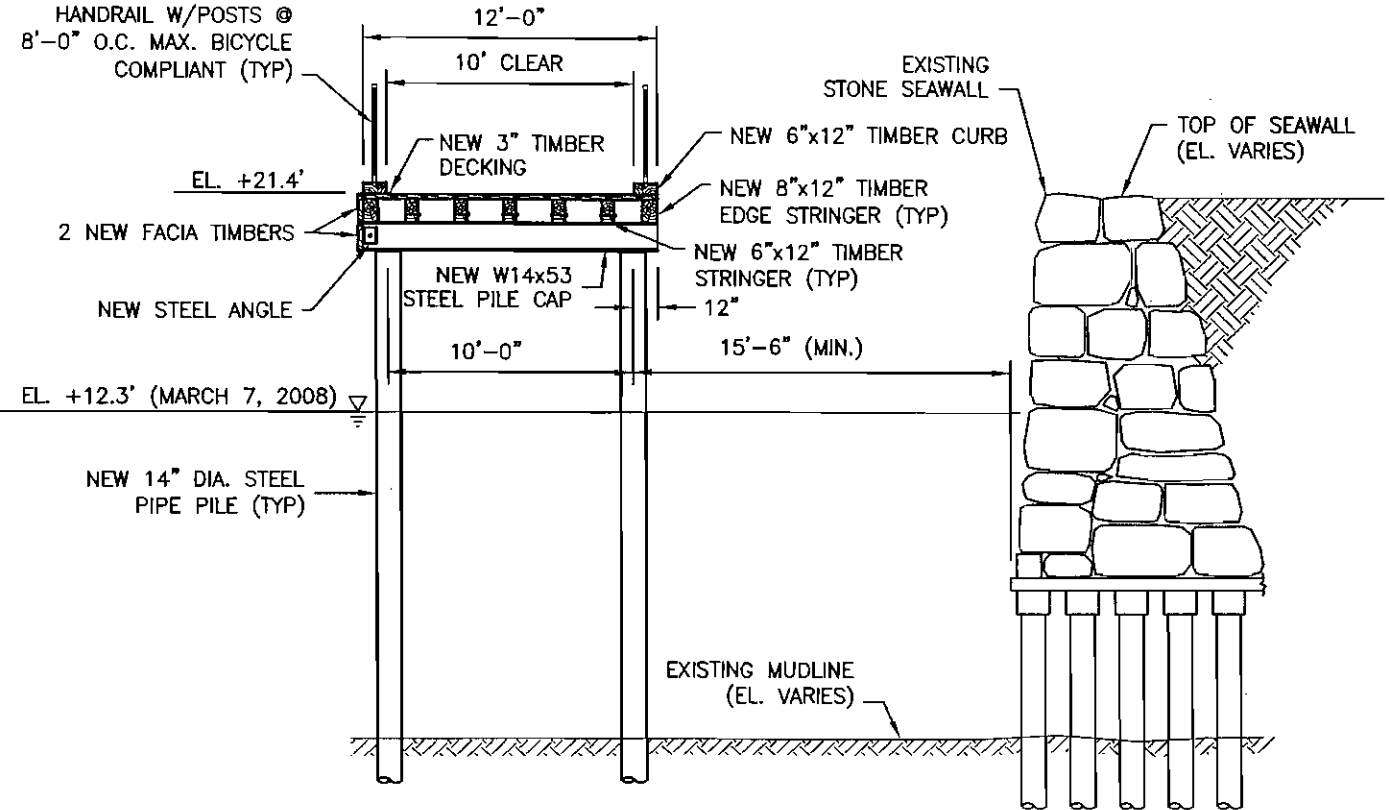
SCALE: 1/8" = 1'-0"



SCALE OF FEET

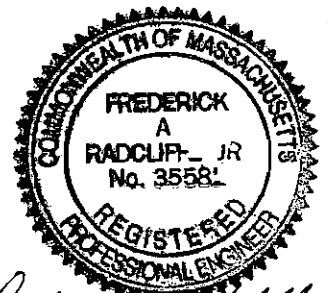
DATUM: CAMBRIDGE CITY BASE = 0.0'
 FLOOD = 14.84'
 OHW = 14.24'
 OLW = 12.24'

1 1/2" DIA. SCH 40 PIPE
HANDRAIL W/POSTS @
8'-0" O.C. MAX. BICYCLE
COMPLIANT (TYP)



PROPOSED SECTION B-B

SCALE: 1/8"=1'-0"

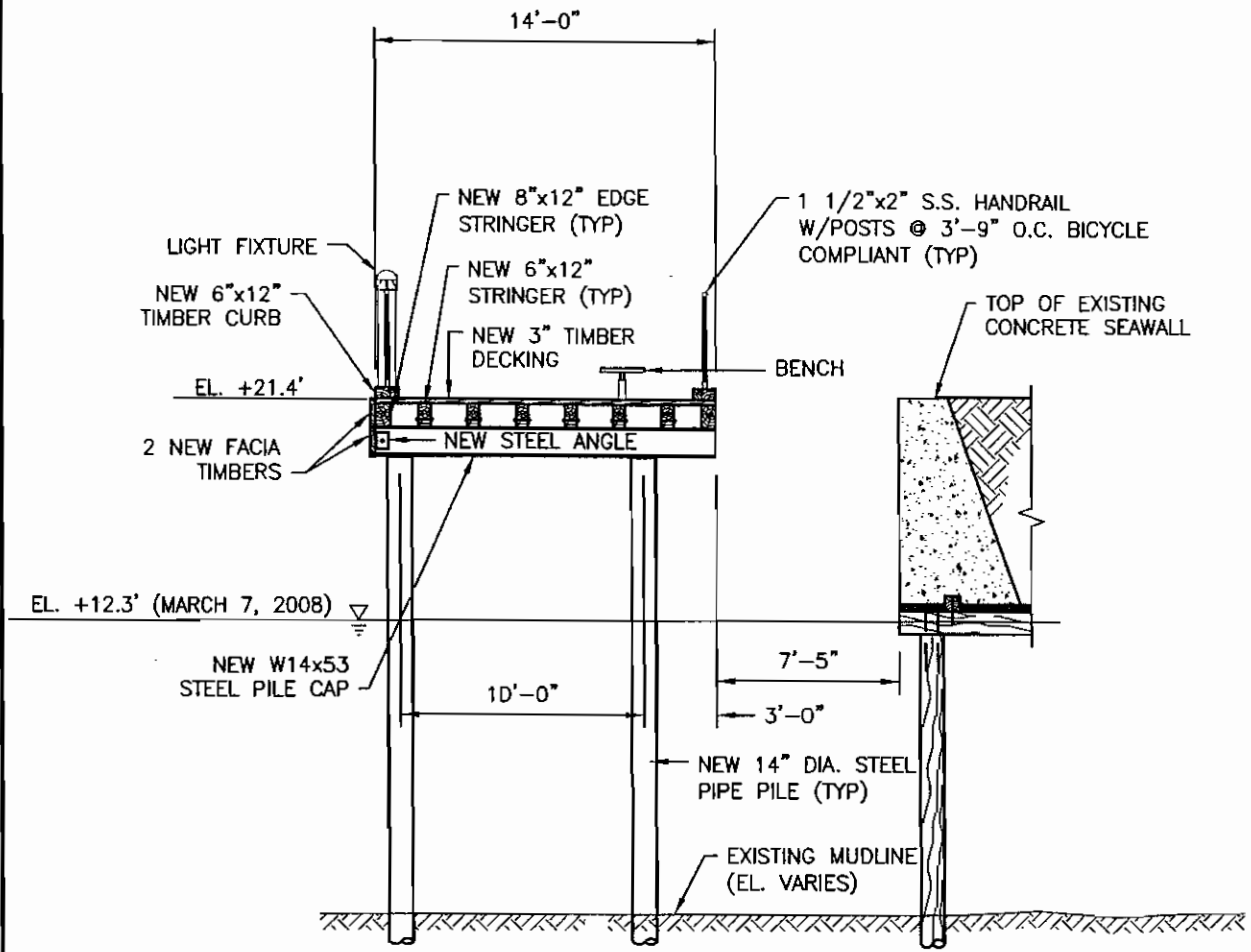


Frederick A. Radcliff, Jr.

DATUM: CAMBRIDGE CITY BASE = 0.0'
FLOOD = 14.84'
OHW = 14.24'
OLW = 12.24'



SCALE OF FEET



PROPOSED SECTION C-C

SCALE: 1/8"=1'-0"

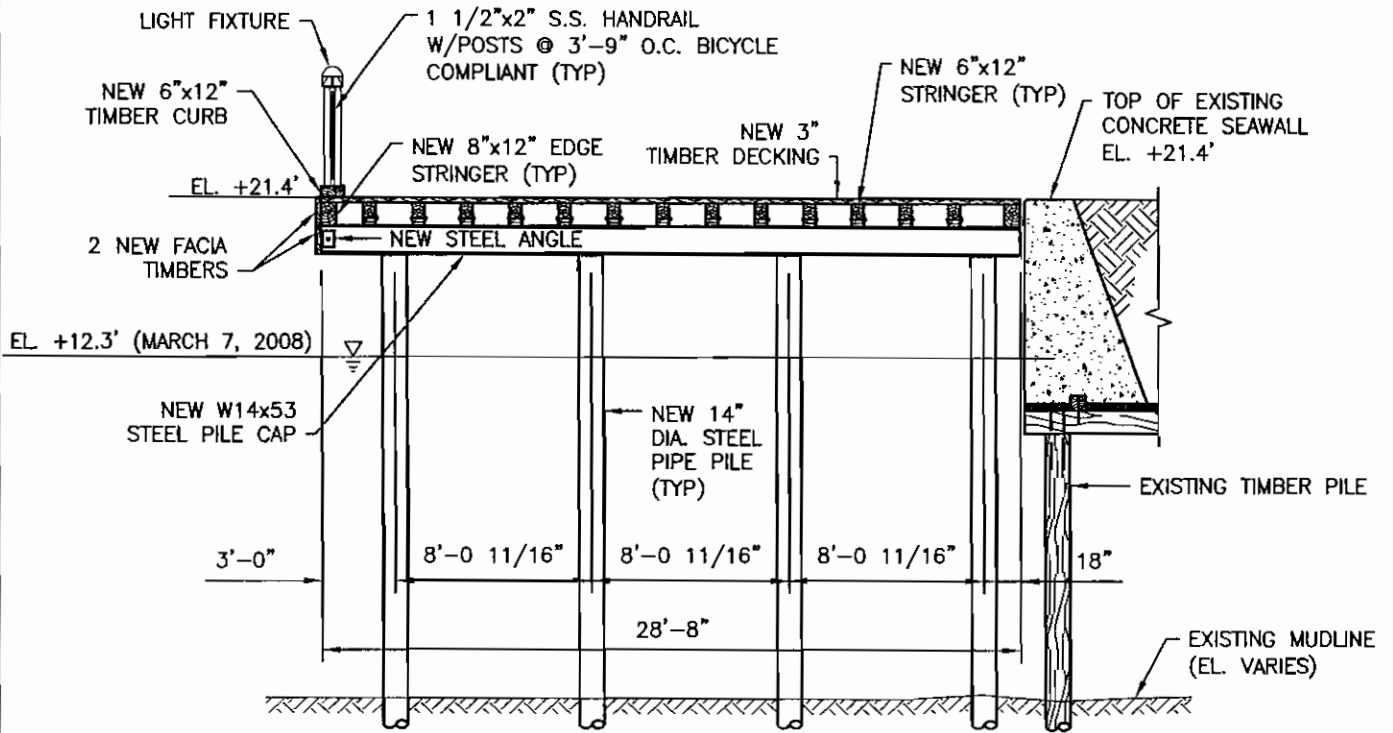


Frederick A. Radcliff, Jr.

DATUM: CAMBRIDGE CITY BASE = 0.0'
 FLOOD = 14.84'
 OHW = 14.24'
 OLW = 12.24'



SCALE OF FEET



PROPOSED SECTION D-D

SCALE: 1/8" = 1'-0"

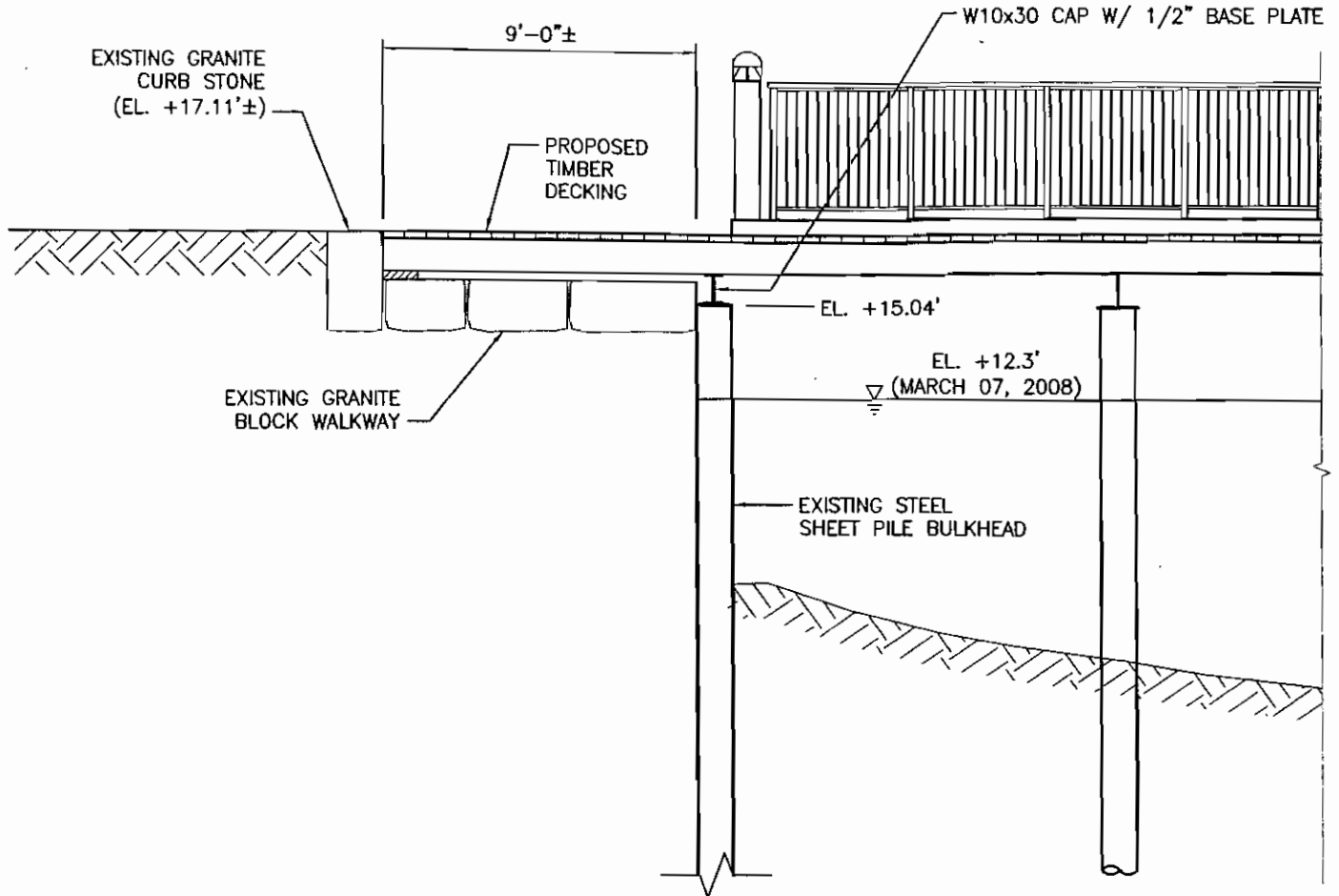
DATUM: CAMBRIDGE CITY BASE = 0.0'
 FLOOD = 14.84'
 OHW = 14.24'
 OLW = 12.24'



Frederick A. Radcliffe, Jr.



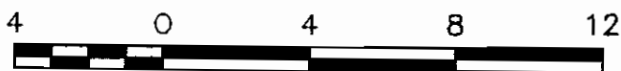
SCALE OF FEET



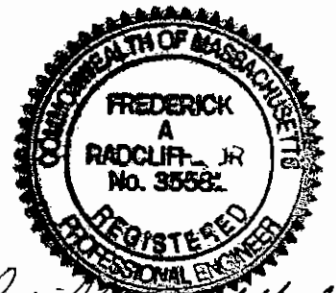
PROPOSED SECTION E-E

SCALE: 3/16"=1'-0"

DATUM: CAMBRIDGE CITY BASE = 0.0'
 FLOOD = 14.84'
 OHW = 14.24'
 OLW = 12.24'



SCALE OF FEET



Frederick A. Radcliffe, Jr.

Massachusetts Department of Environmental Protection
 Bureau of Resource Protection - Waterways Regulation Program
Chapter 91 Waterways License Application - 310 CMR 9.00
 Water-Dependent, Nonwater-Dependent, Amendment

W222611
 Transmittal No.

Important:
 When filling out forms on the computer, use only the tab key to move your cursor - do not use the return key.



For assistance in completing this application, please see the "Instructions".

A. Application Information (Check one)

NOTE: For Chapter 91 Simplified License application form and information see the Self Licensing Package for BRP WW06.

Name (Complete Application Sections)	Check One	Fee	Application #
WATER-DEPENDENT -			
General (A-H)	<input type="checkbox"/> Residential with ≤ 4 units	\$175.00	BRP WW01a
	<input type="checkbox"/> Other	\$270.00	BRP WW01b
	<input type="checkbox"/> Extended Term	\$2730.00	BRP WW01c
Amendment (A-H)	<input type="checkbox"/> Residential with ≤ 4 units	\$85.00	BRP WW03a
	<input checked="" type="checkbox"/> Other	\$105.00	BRP WW03b
NONWATER-DEPENDENT -			
Full (A-H)	<input type="checkbox"/> Residential with ≤ 4 units	\$545.00	BRP WW15a
	<input type="checkbox"/> Other	\$1635.00	BRP WW15b
	<input type="checkbox"/> Extended Term	\$2730.00	BRP WW15c
Partial (A-H)	<input type="checkbox"/> Residential with ≤ 4 units	\$545.00	BRP WW14a
	<input type="checkbox"/> Other	\$1635.00	BRP WW14b
	<input type="checkbox"/> Extended Term	\$2730.00	BRP WW14c
Municipal Harbor Plan (A-H)	<input type="checkbox"/> Residential with ≤ 4 units	\$545.00	BRP WW16a
	<input type="checkbox"/> Other	\$1635.00	BRP WW16b
	<input type="checkbox"/> Extended Term	\$2730.00	BRP WW16c
Joint MEPA/EIR (A-H)	<input type="checkbox"/> Residential with ≤ 4 units	\$545.00	BRP WW17a
	<input type="checkbox"/> Other	\$1635.00	BRP WW17b
	<input type="checkbox"/> Extended Term	\$2730.00	BRP WW17c
Amendment (A-H)	<input type="checkbox"/> Residential with ≤ 4 units	\$435.00	BRP WW03c
	<input type="checkbox"/> Other	\$815.00	BRP WW03d
	<input type="checkbox"/> Extended Term	\$1090.00	BRP WW03e



Enter your transmittal number

W222611

Transmittal Number

Your unique Transmittal Number can be accessed online: http://mass.gov/dep/service/online/trasmfrm.shtml or call MassDEP's InfoLine at 617-338-2255 or 800-462-0444 (from 508, 781, and 978 area codes).

Massachusetts Department of Environmental Protection
Transmittal Form for Permit Application and Payment

1. Please type or print. A separate Transmittal Form must be completed for each permit application.

2. Make your check payable to the Commonwealth of Massachusetts and mail it with a copy of this form to: DEP, P.O. Box 4062, Boston, MA 02211.

3. Three copies of this form will be needed.

Copy 1 - the original must accompany your permit application. Copy 2 must accompany your fee payment. Copy 3 should be retained for your records

4. Both fee-paying and exempt applicants must mail a copy of this transmittal form to:

MassDEP
P.O. Box 4062
Boston, MA
02211

* Note: For BWSC Permits, enter the LSP.

A. Permit Information

BRP WW 03

Chapter 91 License Amendment

1. Permit Code: 7 or 8 character code from permit instructions

2. Name of Permit Category

Amendment to Chapter 91 License - Alignment Modification to Walkway

3. Type of Project or Activity

B. Applicant Information - Firm or Individual

Mirant Kendall, LLC

1. Name of Firm - Or, if party needing this approval is an individual enter name below:

Perry

Jeffrey

2. Last Name of Individual

3. First Name of Individual

4. MI

265 First Street

5. Street Address

Cambridge

MA

02142

617-529-3874

6. City/Town

7. State

8. Zip Code

9. Telephone #

10. Ext. #

Shawn Konary

shawn.konary@mirant.com

11. Contact Person

12. e-mail address (optional)

C. Facility, Site or Individual Requiring Approval

Mirant Kendall, LLC

1. Name of Facility, Site Or Individual

265 First Street

2. Street Address

Cambridge

MA

02142

671-529-3874

3. City/Town

4. State

5. Zip Code

6. Telephone #

7. Ext. #

DEP Waterways License No. 8772

8. DEP Facility Number (if Known)

9. Federal I.D. Number (if Known)

10. BWSC Tracking # (if Known)

D. Application Prepared by (if different from Section B)*

TRC

1. Name of Firm Or Individual

Wannalancit Mills, 650 Suffolk Street

2. Address

Lowell

MA

01854

978.970.5600

3. City/Town

4. State

5. Zip Code

6. Telephone #

7. Ext. #

Jeff Brandt

8. Contact Person

9. LSP Number (BWSC Permits only)

E. Permit - Project Coordination

- 1. Is this project subject to MEPA review? [] yes [x] no
If yes, enter the project's EOE file number - assigned when an Environmental Notification Form is submitted to the MEPA unit:

EOEA File Number

F. Amount Due

DEP Use Only

Special Provisions:

- 1. [] Fee Exempt (city, town or municipal housing authority)(state agency if fee is \$100 or less). There are no fee exemptions for BWSC permits, regardless of applicant status.
2. [] Hardship Request - payment extensions according to 310 CMR 4.04(3)(c).
3. [] Alternative Schedule Project (according to 310 CMR 4.05 and 4.10).
4. [] Homeowner (according to 310 CMR 4.02).

Permit No:

Rec'd Date:

Reviewer:

7002913

105.00

June 5, 2008

Check Number

Dollar Amount

Date

B. Applicant Information Proposed Project/Use Information

1. Applicant:

Mirant Kendall LLC shawn.konary@mirant.com
 Name E-mail Address
265 First Street
 Mailing Address
Cambridge MA 02142
 City/Town State Zip Code
617-529-3874 617-579-5994
 Telephone Number Fax Number

Note: Please refer to the "Instructions"

2. Authorized Agent (if any):

[REDACTED] [REDACTED]
 Name E-mail Address
[REDACTED]
 Mailing Address
[REDACTED] [REDACTED] [REDACTED]
 City/Town State Zip Code
[REDACTED] [REDACTED]
 Telephone Number Fax Number

C. Proposed Project/Use Information

1. Property Information (all information must be provided):

Same
 Owner Name (if different from applicant)
41/41P-768956-1768956/2 -71.079098 42.362806
 Tax Assessor's Map and Parcel Numbers Latitude Longitude
265 First Street, Cambridge MA 02142
 Street Address and City/Town State Zip Code

2. Registered Land Yes No

3. Name of the water body where the project site is located:

Broad Canal

4. Description of the water body in which the project site is located (check all that apply):

<u>Type</u>	<u>Nature</u>	<u>Designation</u>
<input type="checkbox"/> Nontidal river/stream	<input type="checkbox"/> Natural	<input type="checkbox"/> Area of Critical Environmental Concern
<input checked="" type="checkbox"/> Flowed tidelands	<input checked="" type="checkbox"/> Enlarged/dammed	<input type="checkbox"/> Designated Port Area
<input type="checkbox"/> Filled tidelands	<input type="checkbox"/> Uncertain	<input type="checkbox"/> Ocean Sanctuary
<input type="checkbox"/> Great Pond		<input type="checkbox"/> Uncertain
<input type="checkbox"/> Uncertain		

C. Proposed Project/Use Information (cont.)

Select use(s) from Project Type Table on pg. 2 of the "Instructions"

5. Proposed Use/Activity description

This is an amendment to the walkway portion of License No. 8772. The amendment involves relocating the portion of the walkway that was originally proposed on Mirant Kendall's property to extend over the Broad Canal. This change provides improved pedestrian flow to First Street/Cambridge Parkway and Kendall Square.

6. What is the estimated total cost of proposed work (including materials & labor)?

\$~2 M (walkway estimate)

7. List the name & complete mailing address of each abutter (attach additional sheets, if necessary). An abutter is defined as the owner of land that shares a common boundary with the project site, as well as the owner of land that lies within 50' across a waterbody from the project.

	See Attachment F.
Name	Address
Name	Address
Name	Address

D. Project Plans

1. I have attached plans for my project in accordance with the instructions contained in (check one):

- Appendix A (License plan) Appendix B (Permit plan)

2. Other State and Local Approvals/Certifications

401 Water Quality Certificate

Wetlands

Jurisdictional Determination

MEPA

EOE Secretary Certificate

21E Waste Site Cleanup

Date of Issuance
123-150
 File Number
JD-
 File Number
11754
 File Number
June 30, 2000
 Date
 RTN Number

Massachusetts Department of Environmental Protection
Bureau of Resource Protection - Waterways Regulation Program
Chapter 91 Waterways License Application - 310 CMR 9.00
Water-Dependent, Nonwater-Dependent, Amendment

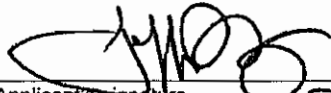
W222611
Transmittal No.

E. Certification

All applicants, property owners and authorized agents must sign this page. All future application correspondence may be signed by the authorized agent alone.

"I hereby make application for a permit or license to authorize the activities I have described herein. Upon my signature, I agree to allow the duly authorized representatives of the Massachusetts Department of Environmental Protection and the Massachusetts Coastal Zone Management Program to enter upon the premises of the project site at reasonable times for the purpose of inspection."

"I hereby certify that the information submitted in this application is true and accurate to the best of my knowledge."


Applicant's signature JEFFREY R. PERRY

6/4/08
Date

Property Owner's signature (if different than applicant)

Date

Agent's signature (if applicable)

Date

F. Waterways Dredging Addendum

1. Provide a description of the dredging project

Maintenance Dredging (include last dredge date & permit no.) Improvement Dredging

Not Applicable

Purpose of Dredging

2. What is the volume (cubic yards) of material to be dredged?

3. What method will be used to dredge?

Hydraulic

Mechanical

Other

4. Describe disposal method and provide disposal location (include separate disposal site location map)

5. Provide copy of grain size analysis. If grain size is compatible for beach nourishment purposes, the Department recommends that the dredged material be used as beach nourishment for public beaches. **Note:** In the event beach nourishment is proposed for private property, pursuant to 310 CMR 9.40(4)(a)1, public access easements below the existing high water mark shall be secured by applicant and submitted to the Department.

G. Municipal Zoning Certificate

Mirant Kendall, LLC

Name of Applicant

265 First Street

Project street address

Broad Canal

Waterway

Cambridge

City/Town

Description of use or change in use:

This is an amendment to the walkway portion of License No. 8772. The amendment involves relocating the portion of the walkway that was originally proposed on Mirant Kendall's property to extend over the Broad Canal. This change provides improved pedestrian flow to First Street/Cambridge Parkway and Kendall Square.

To be completed by municipal clerk or appropriate municipal official:

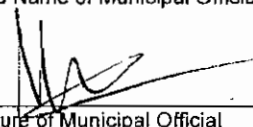
"I hereby certify that the project described above and more fully detailed in the applicant's waterways license application and plans is not in violation of local zoning ordinances and bylaws."

RAJIT SINGANAYAGAM

Printed Name of Municipal Official

6-5-08

Date


Signature of Municipal Official

COMMISSIONER

Title

CAMBRIDGE

City/Town

H. Municipal Planning Board Notification

Notice to Applicant:

Section H should be completed and submitted along with the original application material.

Mirant Kendall, LLC
 Name of Applicant
 265 First Street
 Project street address
 Broad Canal
 Waterway
 Cambridge
 City/Town

Description of use or change in use:

This is an amendment to the walkway portion of License No. 8772. The amendment involves relocating the portion of the walkway that was originally proposed on Mirant Kendall's property to extend over the Broad Canal. This change provides improved pedestrian flow to First Street/Cambridge Parkway and Kendall Square.

To be completed by municipal clerk or appropriate municipal official:

"I hereby certify that the project described above and more fully detailed in the applicant's waterways license application and plans have been submitted by the applicant to the municipal planning board."

LESTER BARBER
 Printed Name of Municipal Official

6/6/08
 Date

[Handwritten Signature]
 Signature of Municipal Official

Director of Land Use and Zoning
 Title

Cambridge
 City/Town

Note: Any comments, including but not limited to written comments, by the general public, applicant, municipality, and/or an interested party submitted after the close of the public comment period pertaining to this Application shall not be considered, and shall not constitute a basis for standing in any further appeal pursuant to 310 CMR 9.13(4) and/or 310 CMR 9.17.