



Commonwealth of Massachusetts
Executive Office of Environmental Affairs

Department of Environmental Protection

William F. Weld
Governor

Daniel S. Greenbaum
Commissioner

DEPARTMENT OF ENVIRONMENTAL PROTECTION WATERWAYS REGULATION PROGRAM

Notice of License Application & Hearing pursuant to M.G.L. Chapter 91
Waterways License Application No. W94-3306-N
Lotus Charles Park Corporation

Notification Date: March 8, 1994

Public Notice is hereby given of the application by Lotus Charles Park Corporation to add one story to the proposed office building authorized by Waterways License No. 1829 near Cambridgeside Place in Cambridge over filled tidelands of the Charles River. The proposed use of the structure is for offices and is a nonwater-dependent use project.

The Department of Environmental Protection will conduct a public hearing on the aforesaid project proposal on Monday, March 14, 1994, at 1:30 p.m. at the Cambridge City Hall, Ackerman Room, 795 Massachusetts Ave, in Cambridge. The Department will conduct this hearing in order to receive information to be used in its decision on whether to grant a Waterways License pursuant to M.G.L. Chapter 91.

The Department will consider all written comments submitted thirty (30) days subsequent to the "Notification Date" in order to decide whether to grant authorization for the proposed activity pursuant to G.L. Chapter 91. Furthermore, a municipality, ten citizen group or any aggrieved person that has submitted written comments may also petition to intervene to become a party before the close of the comment period. Failure to submit such petition will result in the waiver of any right to an adjudicatory hearing. Further information regarding this application may be obtained by contacting the Division at (617) 292-5602. Plans and documents for this application are on file with the Department for public viewing, by appointment only, at the address below. Written comments must be submitted to: John A. Simpson, Section Chief, DEP/Waterways Regulation Program, One Winter Street, 8th Floor, Boston, MA 02108.



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FEB 28 1994

LOTUS CHARLES PARK CORPORATION
c/o Joel Sklar, Esquire
Goulston & Storrs
400 Atlantic Avenue
Boston, MA 02110-3333

Re: Waterways License Application No. W94-3306-N
DEP Transmittal No. 85325
LOTUS - Addition of One Floor to Proposed Building, Cambridgeside
Place, filled tidelands of the Charles River, Cambridge

Dear Mr. Sklar:

The Waterways Regulation Program (WRP) has received your application requesting authorization to perform certain activities in state waterways pursuant to G.L. Chapter 91, Waterways Licensing. The WRP has assigned your filing with the referenced application number. IT IS IMPERATIVE THAT YOU REFER TO THIS APPLICATION NUMBER WHENEVER YOU SUBMIT OR REQUEST INFORMATION FOR THIS FILE.

Attached is the WRP's public notice for this application. You are required to publish this notice, at your expense, in the local newspaper(s) having circulation in the area affected by the proposed activity. This notice must be published no later than the designated "Notification Date" for at least one day in the local newspaper(s). There is a prescribed public comment period imposed from the date of publication. You are required to submit proof of publication to the WRP by sending a copy of the newspaper notice showing the date of publication or a letter from the newspaper indicating the date the notice was published.

The WRP will concurrently notify the appropriate municipal officials of the proposed activity for their review and comment. The WRP cannot commence licensing review and authorization until at least forty-five (45) days after the municipality has been notified of this application. Also, should this project exceed the MEPA waterways thresholds, thereby requiring completion of the MEPA review process, the WRP will publish the public notice in the Environmental Monitor.

Furthermore, pursuant to 310 CMR 9.00, Licensees are required to provide compensation for private use of structures or fill on tidelands which interfere with the rights of the public to use such lands. Said compensation includes, but is not necessarily limited to, the allowance of the public to pass on foot, for any lawful purpose, within the area of the subject property lying seaward of the historical high water mark. The WRP may contact the Applicant, if it has not already done so within the text of this letter, requesting information and/or possible revisions necessary to comply with this requirement.

Lastly, the WRP cannot begin review of this application for license issuance until the following information has been submitted to the file and actions completed:

- Submit proof of publication of the public notice
- Expiration of the statutory 45 day comment period
- c. 91 Public Hearing held in Cambridge
- DEP issuance of written determination with 21 day appeal period
- Any adjustments required to mylar license plans by DEP

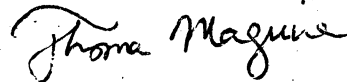
At our meeting on February 15, 1994, we discussed the following timetable relative to DEP actions for this project.

2/28 DEP Public Notice mailed
3/8 Notification Date for Public Notice
3/14 DEP c. 91 Public Hearing
4/7 Close of Public Comment Period
~4/29 DEP Written Determination Issued
~5/20 approximate date c. 91 license issued depending on appeals/final mylar plans

We will endeavor to meet this timetable, however, certain DEP actions may be constrained due to public comment, appeal actions, or other circumstances.

Should you have any question with regard to the foregoing, please contact me at (617) 292-5602.

Sincerely,



Thomas Maguire
Regional Planner
Waterways Regulation Program

/tmm

cc: Mayor Reeves
~~Cambridge City Council~~
Cambridge City Manager
Cambridge City Clerk
John Flynn, Deputy City Clerk
Eliza Malenfant, Cambridge Community Development Department
Cambridge Planning Board
Cambridge Conservation Commission (Det App dated 4-22-87)
DEP Wetlands - NE Region
MDC
MCZM
MDFW
MHC
MEPA (EOEA No. 3007)
Trustees of Cambridgeside Office Associates Trust
Trustees of Cambridgeside Galleria
Lotus Rogers Street Corporation
Lotus Development Corporation
Richard Gass, Esquire



BRP WW 01 Waterways License or Permit: Non Amnesty

BRP WW 02 Waterways Amnesty License or Interim Approval

BRP WW 03 Waterways Amendment to License or Permit

General Waterways Application

See
instructions on
page 1 before
completing
sections A-D of
this form

A Project Information

1. Which permit category are you applying for?

- ☒ BRP WW 01 ☐ BRP WW 03
☐ BRP WW 02 (Amnesty)

7. Project description:

See page 2A of 8 attached

2. Applicant:

LOTUS CHARLES PARK CORPORATION

Name

c/o Lotus Development Corporation

Mailing Address 55 Cambridge Parkway

Cambridge

MA

City/Town

State

(617) 693-1846

Telephone (home)

(work)

8. Description of existing and proposed use(s):

See page 2A of 8 attached

3. Authorized agent (if any):

Richard Gass, Esq.

Name

73 Tremont St.

Address

Boston

MA

City/Town

State

(617) 723-3300

Telephone

9. Is this application for an Amnesty Interim Approval?

☐ Yes ☒ No

If "Yes", submit plans prepared in accordance with
Appendix A.

4. Property owner:

Lotus Charles Park Corporation

Name (if different from applicant)

Tax Assessor Map 10, Parcel 65

Lotus (c)

Block

Subdivision

c/o Lotus Development Corporation

55 Cambridge Parkway

Location (street address)

Cambridge, Middlesex

City/Town

County

10. What is the approximate total cost of the project (including
materials & labor)?

Approximately \$11,000,000.00

11. List the name and complete mailing address of each abutter
(attach additional sheets, if necessary):

See page 2B attached

5. Name of the water body: Filled former private
tidelands of the Charles River

6. The water body at the project site is:
(check 1 or more of both a & b)

- a. ☐ Tidal ☒ Filled Tidelands ☐ Great Pond
☐ River/Stream ☐ Uncertain

- b. ☐ Natural ☒ Man-Made ☐ Uncertain

12. I have attached project plans in accordance with the
instructions contained in...:

- ☐ Appendix A (for Interim Approval applications)
☐ Appendix B (for Permit applications)
☒ Appendix C (for License applications)

Appendices A-C begin on page 7 of this Application
Package.



BRP WW 01 Waterways License or Permit: Non Amnesty
BRP WW 02 Waterways Amnesty License or Interim Approval
BRP WW 03 Waterways Amendment to License or Permit

General Waterways Application

B Certification

Please type or
print clearly all
information
provided on this
form.

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

Date

Property Owner's signature (if different than applicant)

Date

Agent's signature (if applicable)

Date

C Waterways Dredging Addendum

NOT APPLICABLE

1. Provide a description of the dredging project.

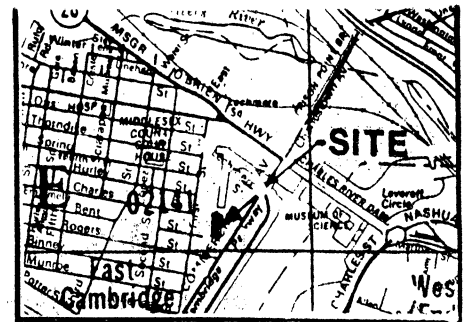
2. What is the purpose of the dredging?

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

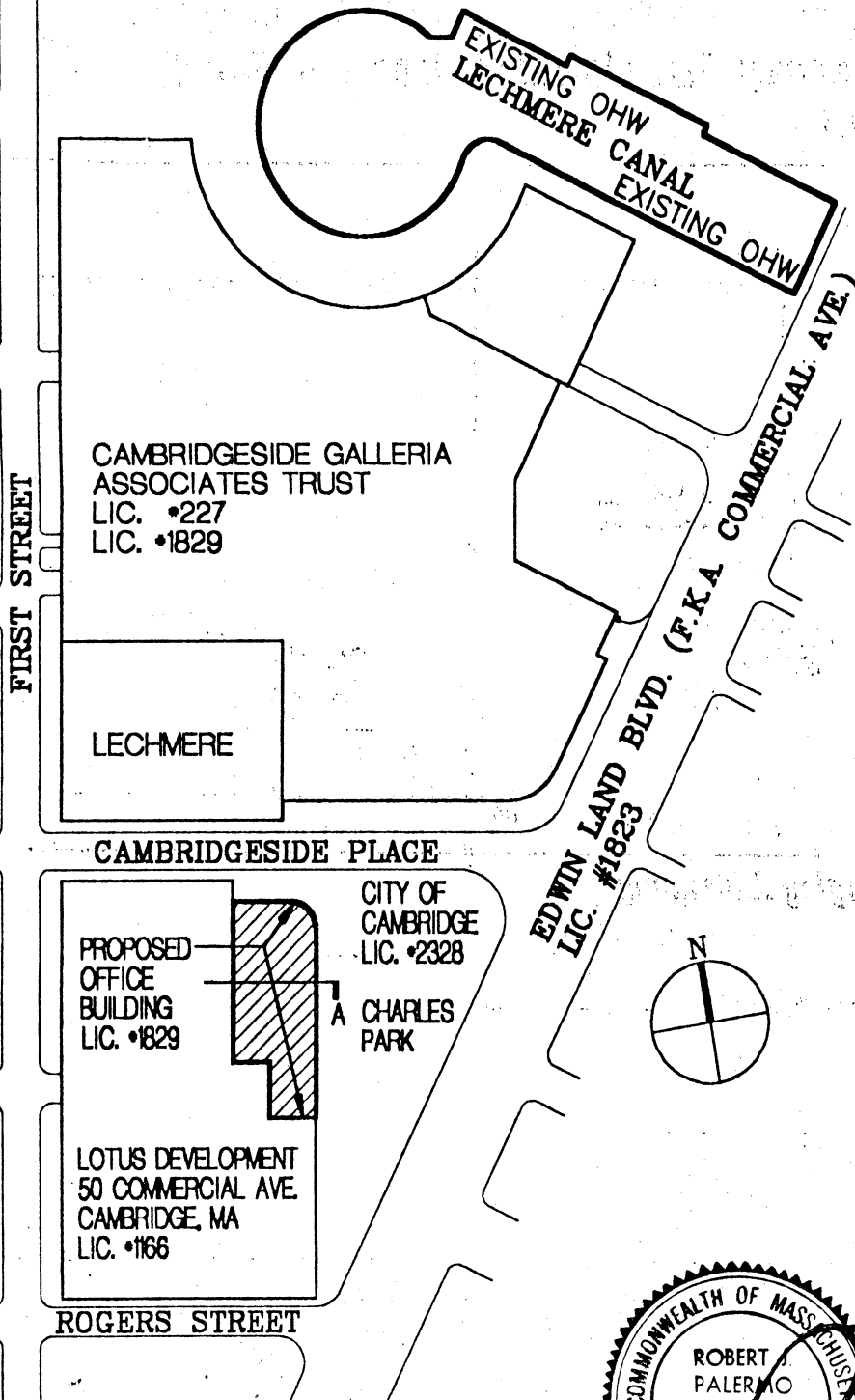
4. What method will be used to dredge?

5. Describe the disposal method that will be used and give the disposal location (include a separate disposal site location map):

SCALE: 1"=200'



LECHMERE TRIANGLE

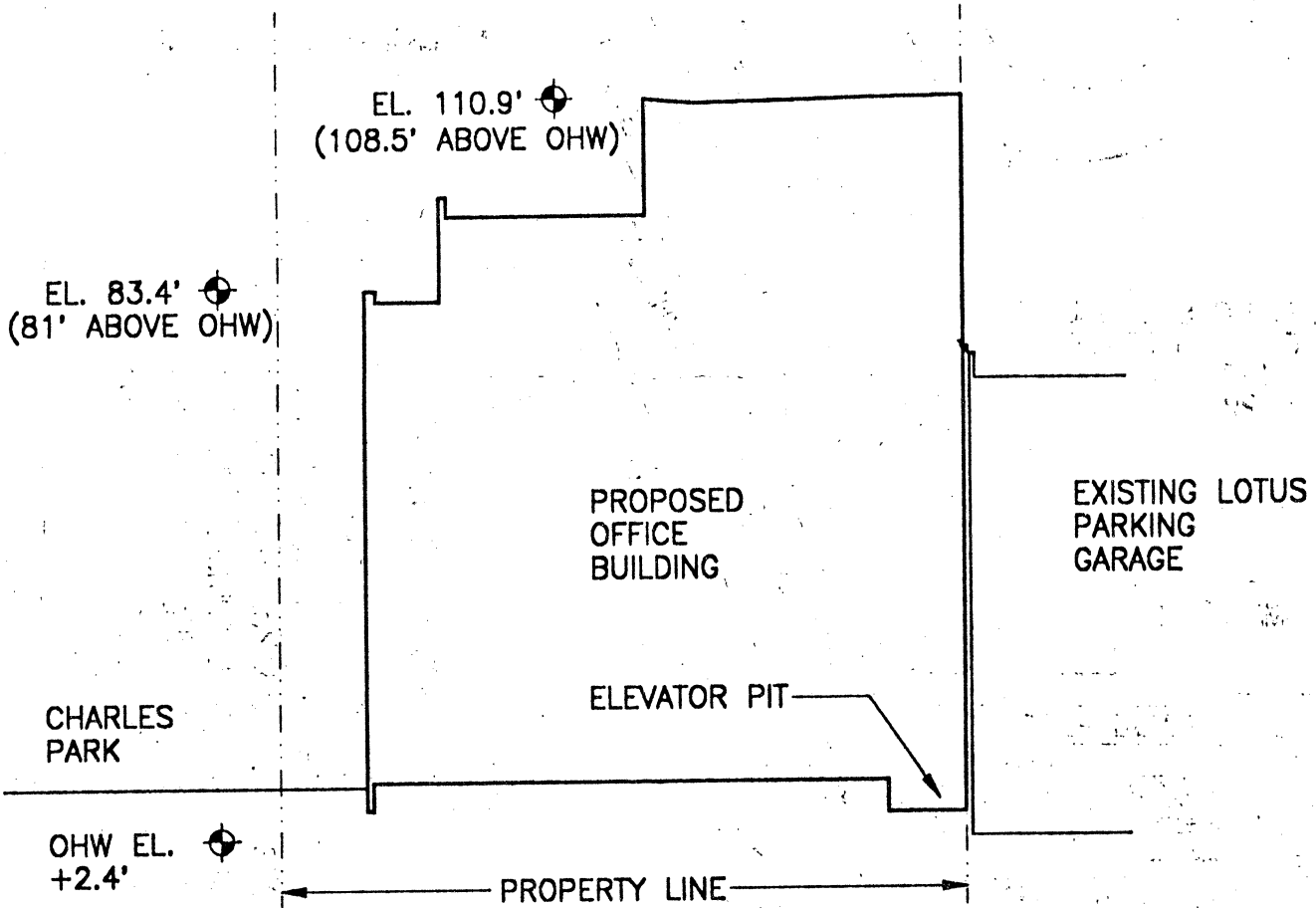


LICENSE NOTES- ENTIRE SITE IS HISTORIC TIDELAND

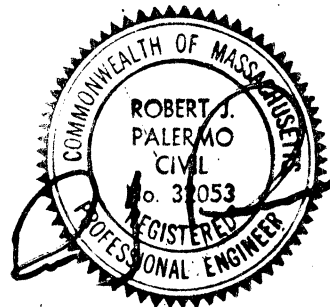
LICENSE #1829- Authorizes modification of existing fill in private tidelands and construction of proposed office building to a height of 81 feet above OHW.
 LICENSE #S 227 (applicable to entire site) 1166, 1823, 2328 authorize fill. No license is recorded for the filling of the southern leg of the Lechmere Canal.
 LICENSE PLAN #227 was used for reference in jurisdictional determination.
 Historic MHW shown on LICENSE PLAN #227 is approximately 200 feet west of the northwest corner of the Cambridgeside Galleria.

Plan Accompanying Petition of Lotus Charles Park Corporation for a License to Increase the Permitted Height of Proposed Office Building.

SCALE: 1"=30'



SECTION 'A'



Plan Accompanying Petition of Lotus Charles Park Corporation for a License to Increase the Permitted Height of Proposed Office Building.