

The Commonwealth of Massachusetts



No. 13306

Whereas, EFEKTA House, Inc.

of -- Cambridge --, in the County of -- Middlesex-- and Commonwealth aforesaid, has applied to the Department of Environmental Protection to -- construct and maintain a ten-story building and associated infrastructure and exterior public open space; -----

and has submitted plans of the same; and whereas due notice of said application, and of the time and place fixed for a hearing thereon, has been given, as required by law, to the --Mayor-- of the -- City-- of -- Cambridge. -----

NOW, said Department, having heard all parties desiring to be heard, and having fully considered said application, hereby, subject to the approval of the Governor, authorizes and licenses the said -----

-- EFEKTA House, Inc--, subject to the provisions of the ninety-first chapter of the General Laws and Chapter 88 of the Acts of 2011, and of all laws which are or may be in force applicable thereto, to -- construct and maintain a ten-story building and associated infrastructure and exterior public open space; ----

in and over filled tidelands of -- Charles and Millers Rivers -- in the -- City -- of -- Cambridge-- and in accordance with the locations shown and details indicated on the accompanying DEP License Plan No. 13306 dated June 29, 2012 (6 sheets).

The uses of structures and fill authorized hereby shall be limited to the following: education, office, restaurant, public meeting space, publicly accessible open space, and accessory uses thereto.

Existing fill on the site was authorized by the following Waterways authorization: License No. 1079 issued in 1929.

This License is valid for a term of 99 years from the date of issuance. By written request of the Licensee for a new amendment, the Department may grant a renewal for the term of years not to exceed that authorized in this License.

This license is subject to the following Special Conditions and Standard Conditions:

Special Condition 1: As shown on the License plans, portions of the first and second floors, totaling approximately 22,443 square feet in area, shall be open to the public in connection with a restaurant and function space, meeting space, lobby, and Winter Garden. Management of these interior public areas shall be conducted in accordance with a Management Plan approved by the Department in accordance with Special Condition 5. The Licensee, through its Management Plan referenced in Special Condition 5, will seek to actively engage local community groups and encourage related events in the second floor Facility of Public Accommodation.

Special Condition 2: The Licensee shall construct and maintain in good repair the following publicly accessible parkland, pathways, signage, and landscaping, and related facilities, as shown on the License plans. These exterior public facilities shall be open to the public, free of charge, 24 hours per day unless otherwise approved by the Department pursuant to Special Condition 5. Prior to commencement of construction, final plans detailing the open space areas shall be provided to the Department for its review and approval in accordance with the requirements of this License. Unless otherwise specified or approved in advance by the Department, said facilities and landscaping shall be constructed and opened to the public prior to the issuance of a Certificate of Occupancy for the building authorized herein, and shall be maintained and managed in accordance with a Management Plan approved by the Department in accordance with Special Condition 5.

- a) A landscaped area outside the entrance to the building featuring decorative pools, with multiple connections to adjacent sidewalks and parkland. This area shall include public amenities such as seating areas, interpretive signage, bicycle racks, lighting, and trash receptacles. A sign shall be prominently displayed on or near the building entrance informing the public of the availability of public restrooms in the building.
- b) A terrace area adjacent to the restaurant within the building with seats and tables available for use by the public at large and restaurant patrons. The terrace area shall be accessible from North Point Park through at least three at-grade connections between the terrace and adjacent park pathways. The landscaping along the southern and eastern edges of the terrace shall be designed and maintained in a manner to provide an overall visual and physical connection between the terrace and adjacent parkland and to form an inviting entrance to the terrace for park users.
- c) Landscaped areas adjacent to the building and terrace, designed and maintained to appear and function as extensions of the adjacent parkland, with seating areas and signage.

Special Condition 3: The Licensee shall provide \$300,000 to the Department of Conservation and Recreation (DCR) for the purposes of funding maintenance activities in North Point Park according to the schedule detailed in this Special Condition. A payment of \$100,000 shall be made by the Licensee to DCR prior to the issuance of the Certificate of Occupancy for the building. A second payment of \$100,000 shall be made by the Licensee to DCR prior to the first anniversary of the issuance of the Certificate of Occupancy. The third payment of \$100,000 shall be made by the Licensee to DCR prior to the second anniversary of the issuance of the Certificate of Occupancy. The Licensee shall provide confirmation to the Department that each payment has been made within 15 days of said payment.

Special Condition 4: The building shall include restrooms open to the public at no charge, seven days a week, during normal business hours of the restaurant and/or office and educational uses of the building, whichever is longer. In the event that the building uses are closed on weekends, then the restrooms shall be open to the public on weekends from dawn to dusk, or as otherwise approved by the Department in the

Management Plan required in Special Condition 5. A sign noting the presence of the restroom(s) and its availability to the general public, at no charge, and its hours of availability, shall be posted prominently on the exterior at or near the entrance to the building, as well as at the entrance(s) of the restroom(s).

Special Condition 5: Prior to the issuance of a Certificate of Occupancy for the building, the Licensee shall submit to the Department, for its review and approval, a Management Plan for the interior and exterior public amenities required herein, including hours of operation. The Management Plan shall include a plan for signage, interpretive exhibits and artwork for the site. The signage shall provide appropriate direction to bicycle/pedestrian paths, open spaces, and other public amenities and the artwork and/or interpretive materials shall enliven the pedestrian environment and inform the public about the history and/or ecology of the site, the Charles River, North Point Park, or related topics. The Management Plan shall identify interior space to be made available to the public for meeting space, as well as any rules and regulations pertaining to said space. The Management Plan shall also describe programming activities designed to attract the public to the site, other than public meetings, including interior ground floor and second floor space.

Special Condition 6: The use by the public of the publicly accessible areas at the Project Site shall be considered a permitted use to which the limited liability provisions of M.G.L. Chapter 21, § 17C shall apply.

Special Condition 7: All exterior areas at the Project Site shall be open to the public, free of charge, twenty-four (24) hours per day. The Licensee may adopt reasonable rules, subject to prior review and written approval by the Department as part of the Management Plan required in Condition 5, or any update thereto, as are necessary for the protection of public health and safety and private property, and to ensure public use and enjoyment by minimizing conflicts between user groups. No amendment to said rules shall be made without prior written approval by the Department.

Special Condition 8: Pursuant to 310 CMR 9.22, the Licensee may undertake minor project modifications upon written notice to, and approval by, the Department.

Special Condition 9: The Licensee shall allow agents of the Department to enter the project sites to verify compliance with the conditions of this license.

Special Condition 10: The Licensee shall provide a copy of the Certificate of Occupancy for the building to the Department within 15 days of the Licensee's receipt of the Certificate of Occupancy.

Special Condition 11: The Licensee shall submit to the Department periodic compliance inspection reports at least once every five (5) years from the date of License issuance detailing the Licensee's compliance with the Special and Standard Conditions of this License.

Special Condition 12: The Licensee shall request in writing that the Department issue a Certificate of Compliance in accordance with 310 CMR 9.19.

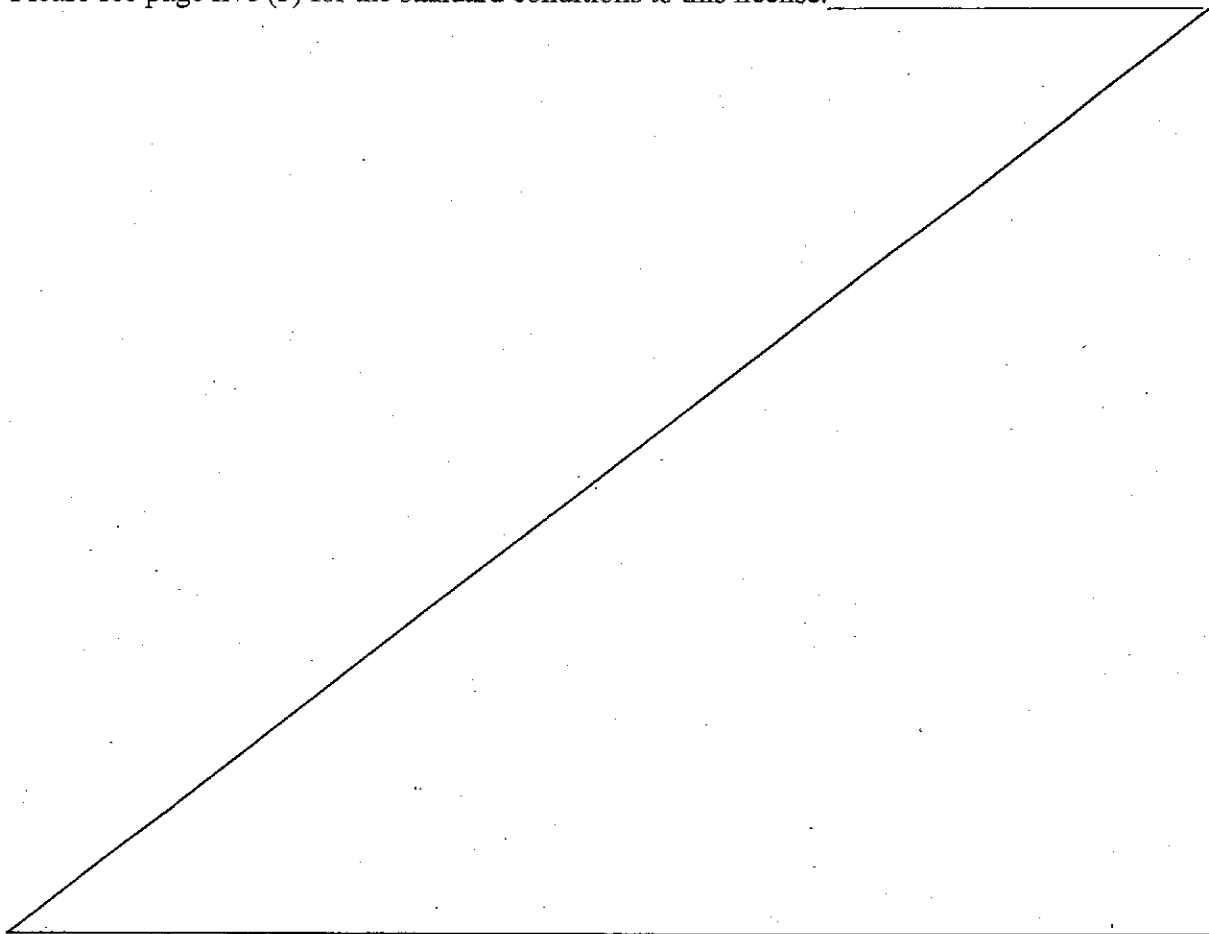
Special Condition 13: All fill, structures, facilities, and landscaping to be licensed shall be maintained in good repair for the term of this License.

Special Condition 14: The Licensee shall ensure that passive recreational use by the general public of the facilities required herein is fully and safely allowed on the site pursuant to any Activity and Use Limitations

(AULs) that may be adopted in full compliance with the Massachusetts Contingency Plan, 310 CMR 40.0000. Such passive recreational use shall include that associated with public open space use involving more than casual contact with the ground, including, but not limited to, walking, strolling, bicycling, picnicking, and sitting. The Licensee shall ensure that the on-site areas specified in this License as publicly accessible open spaces, are fully remediated, as and to the extent as may be required by the Massachusetts Contingency Plan, to levels that will not impede or prohibit the public use of open space, including passive recreational use. Any AUL adopted by the Licensee shall fully allow for such public open space and passive recreational uses. Any interpretation regarding what uses are allowed under an AUL shall be decided by the Department's Bureau of Waste Site Cleanup (BWSC) in the Northeast Regional Office.

Special Condition 15: All activities for which this License has been issued shall be completed within five (5) years of the date of issuance of the license or permit. This period may be extended upon written request to the Department at least sixty (60) days in advance of the deadline specified herein, and said approval shall not be unreasonably withheld.

Please see page five (5) for the standard conditions to this license.



Duplicate of said plan, number 13306 is on file with the Department, and original of said plan accompanies this License, and is made a part hereof.

STANDARD WATERWAYS LICENSE CONDITIONS

1. Acceptance of this Waterways License shall constitute an agreement by the Licensee to conform with all terms and conditions stated herein.
2. This License is granted upon the express condition that any and all other applicable authorizations necessitated due to the provisions hereof shall be secured by the Licensee prior to the commencement of any activity or use authorized pursuant to this License.
3. Any change in use or any substantial structural alteration of any structure or fill authorized herein shall require the issuance by the Department of a new Waterways License in accordance with the provisions and procedures established in Chapter 91 of the Massachusetts General Laws. Any unauthorized substantial change in use or unauthorized substantial structural alteration of any structure or fill authorized herein shall render this Waterways License void.
4. This Waterways License shall be revocable by the Department for noncompliance with the terms and conditions set forth herein. This License may be revoked after the Department has given written notice of the alleged noncompliance to the Licensee and those persons who have filed a written request for such notice with the Department and afforded them a reasonable opportunity to correct said noncompliance. Failure to correct said noncompliance after the issuance of a written notice by the Department shall render this Waterways License void and the Commonwealth may proceed to remove or cause removal of any structure or fill authorized herein at the expense of the Licensee, its successors and assigns as an unauthorized and unlawful structure and/or fill.
5. The structures and/or fill authorized herein shall be maintained in good repair and in accordance with the terms and conditions stated herein and the details indicated on the accompanying license plans.
6. Nothing in this Waterways License shall be construed as authorizing encroachment in, on or over property not owned or controlled by the Licensee, except with the written consent of the owner or owners thereof.
7. This Waterways License is granted subject to all applicable Federal, State, County, and Municipal laws, ordinances and regulations including but not limited to a valid final Order of Conditions issued pursuant to the Wetlands Protection Act, G.L. Chapter 131, s.40.
8. This Waterways License is granted upon the express condition that the use of the structures and/or fill authorized hereby shall be in strict conformance with all applicable requirements and authorizations of the DEP.

This License authorizes structure(s) and/or fill on:

Private Tidelands. In accordance with the public easement that exists by law on private tidelands, the Licensee shall allow the public to use and to pass freely upon the area of the subject property lying between the high and low water marks, for the purposes of fishing, fowling, navigation, and the natural derivatives thereof.

Commonwealth Tidelands. The Licensee shall not restrict the public's right to use and to pass freely, for any lawful purpose, upon lands lying seaward of the low water mark. Said lands are held in trust by the Commonwealth for the benefit of the public.

a Great Pond of the Commonwealth. The Licensee shall not restrict the public's right to use and to pass freely upon lands lying seaward of the high water mark for any lawful purpose.

No restriction on the exercise of these public rights shall be imposed unless otherwise expressly provided in this License.


Unless otherwise expressly provided by this License, the Licensee shall not limit the hours of availability of any areas of the subject property designated for public passage, nor place any gates, fences, or other structures on such areas in a manner that would impede or discourage the free flow of pedestrian movement thereon.

The amount of tidewater displaced by the work hereby authorized has been ascertained by the Department, and compensation thereof has been made by the said - EFEKTA House, Inc. - by paying into the treasury of the Commonwealth -- two dollars and zero cents (\$2.00) -- for each cubic yard so displaced, being the amount hereby assessed by said Department (0 cubic yards= \$0.00)

Nothing in this License shall be so construed as to impair the legal rights of any person.

This License shall be void unless the same and the accompanying plan are recorded within 60 days from the date hereof, in the Registry of Deeds for the County of Middlesex .

IN WITNESS WHEREAS, said Department of Environmental Protection have hereunto set their hands this 27th day of July in the year two thousand and twelve.

Program Chief 

Program Director 

Commissioner 

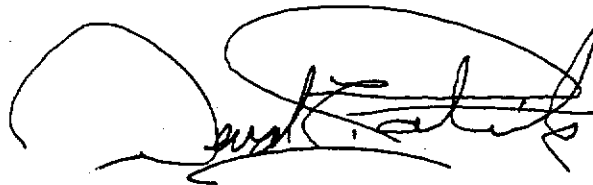
Department of Environmental Protection

THE COMMONWEALTH OF MASSACHUSETTS

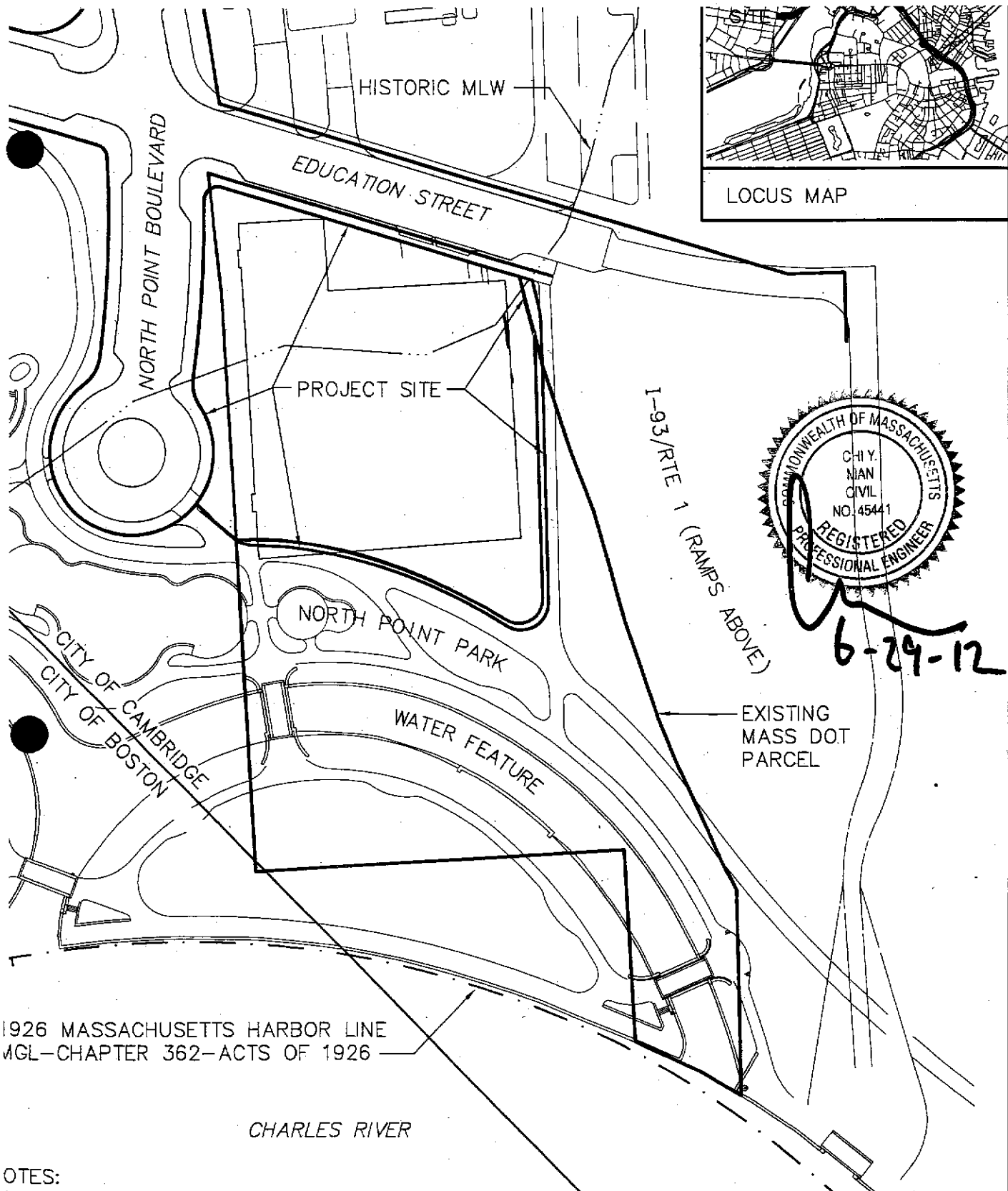
This license is approved in consideration of the payment into the treasury of the Commonwealth by the said----- EFEKTA House, Inc. ----of the further sum of ---N/A--- the amount determined by the Governor as a just and equitable charge for rights and privileges hereby granted in the land of the Commonwealth.

BOSTON

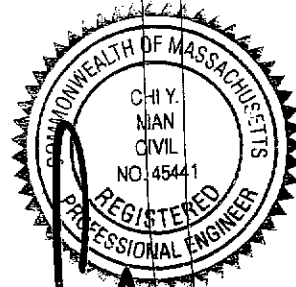
Approved by the Governor.



Governor



LOCUS MAP

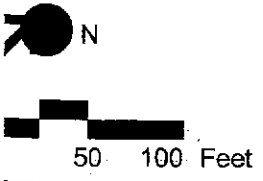


6-29-12

1926 MASSACHUSETTS HARBOR LINE
MGL-CHAPTER 362-ACTS OF 1926

CHARLES RIVER

- NOTES:
1. THE ENTIRE SITE IS LOCATED ON FILLED TIDELANDS.
 2. DATUM: CAMBRIDGE CITY BASE.



PROJECT CONTEXT
AND EXISTING CONDITIONS
SHEET 1 OF 6
DATE: JUNE 29, 2012

JUL 27 2012
LICENSE PLAN NO. 13306
Approved by Department of Environmental Protection
of Massachusetts
[Signature]
[Signature]

LICENSE PLAN NO. 13306

Approved by Department of Environmental Protection

Date;

JUL 27 2012

HISTORIC MLW

EDUCATION STREET

NORTH POINT BOULEVARD

I-93/RTE 1 (RAMPS ABOVE)

CHAPTER 91 PROJECT SITE

PROPOSED 150 FOOT, 10-STORY BUILDING

PUBLIC OPEN SPACE

CHAPTER 91 PROJECT SITE

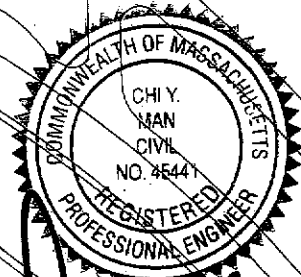
PATIO ±6,000 SF

NORTH POINT PARK

WATER FEATURE

322' TO PROJECT SHORELINE

CITY OF CAMBRIDGE
CITY OF BOSTON



6-29-12

NOTE: SEE SHEETS 4 AND 5 FOR GROUND FLOOR AND MEZZANINE LEVELS.

PROPOSED CONDITIONS PLAN SHEET 2 OF 6

PROJECT SITE

NORTH POINT PARK

PENTHOUSE/MECHANICAL

PROPOSED 150' HIGH BUILDING

FFE = 23.0

CANAL

100 YEAR FLOOD EL. = 15.25

HISTORIC
MLW
(SOURCE DEP)

LICENSE PLAN NO. 13306
Approved by Department of Environmental Protection

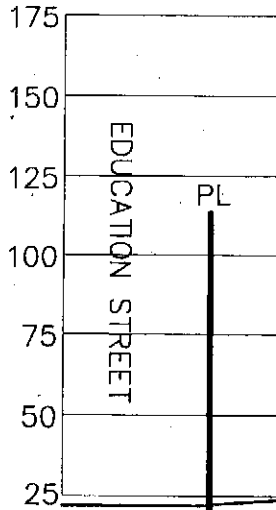
Date: JUL 27 2012

NOTE: ENTIRE SITE IS IN FILLED TIDELANDS



6-29-12

PROJECT
SHORELINE
PER CH.
ACTS OF



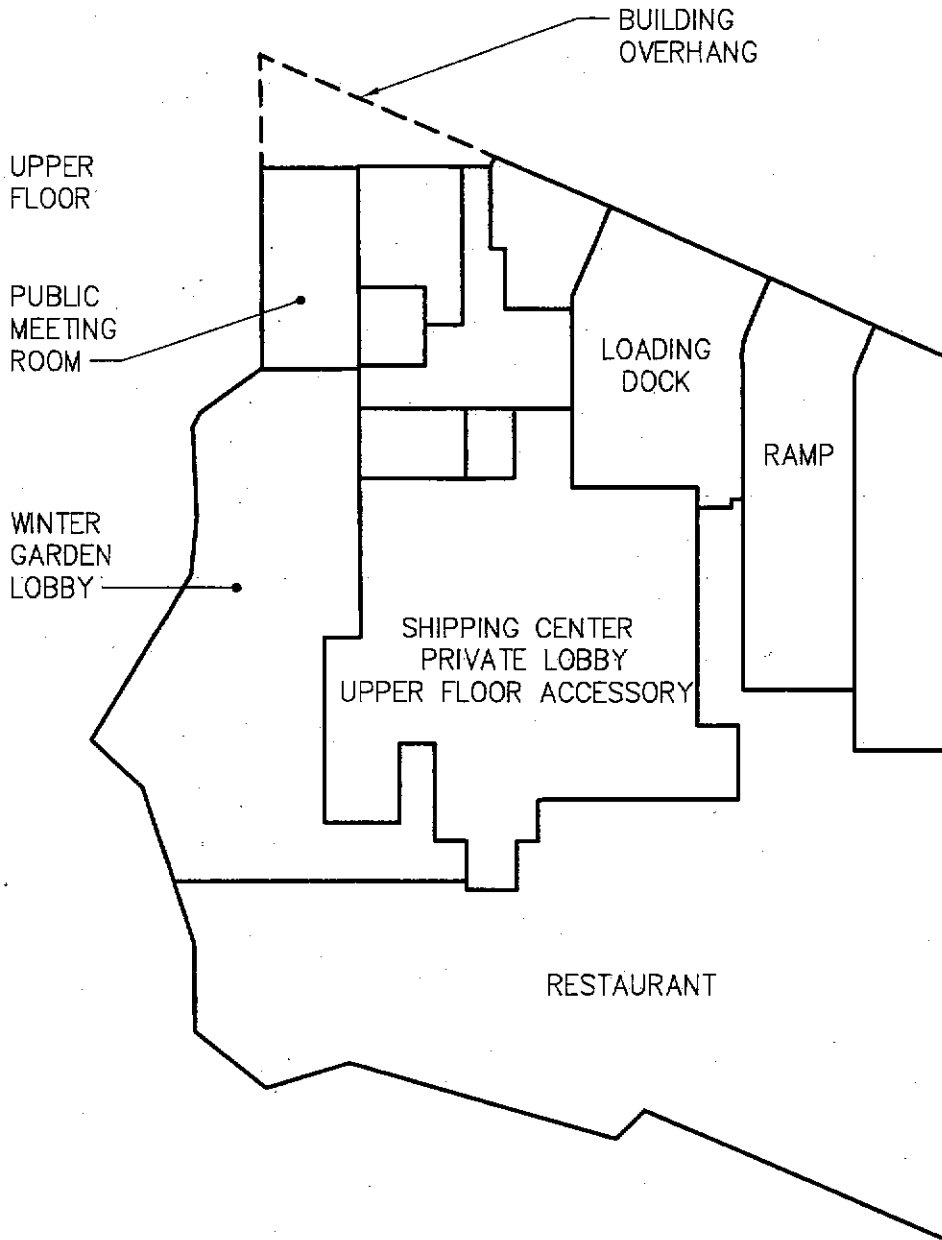
EDUCATION STREET



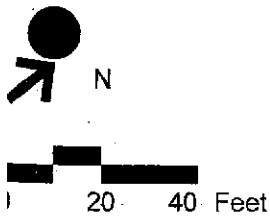
SECTION
SHEET 3 OF 6
DATE: JUNE 29, 2012



6-29-12



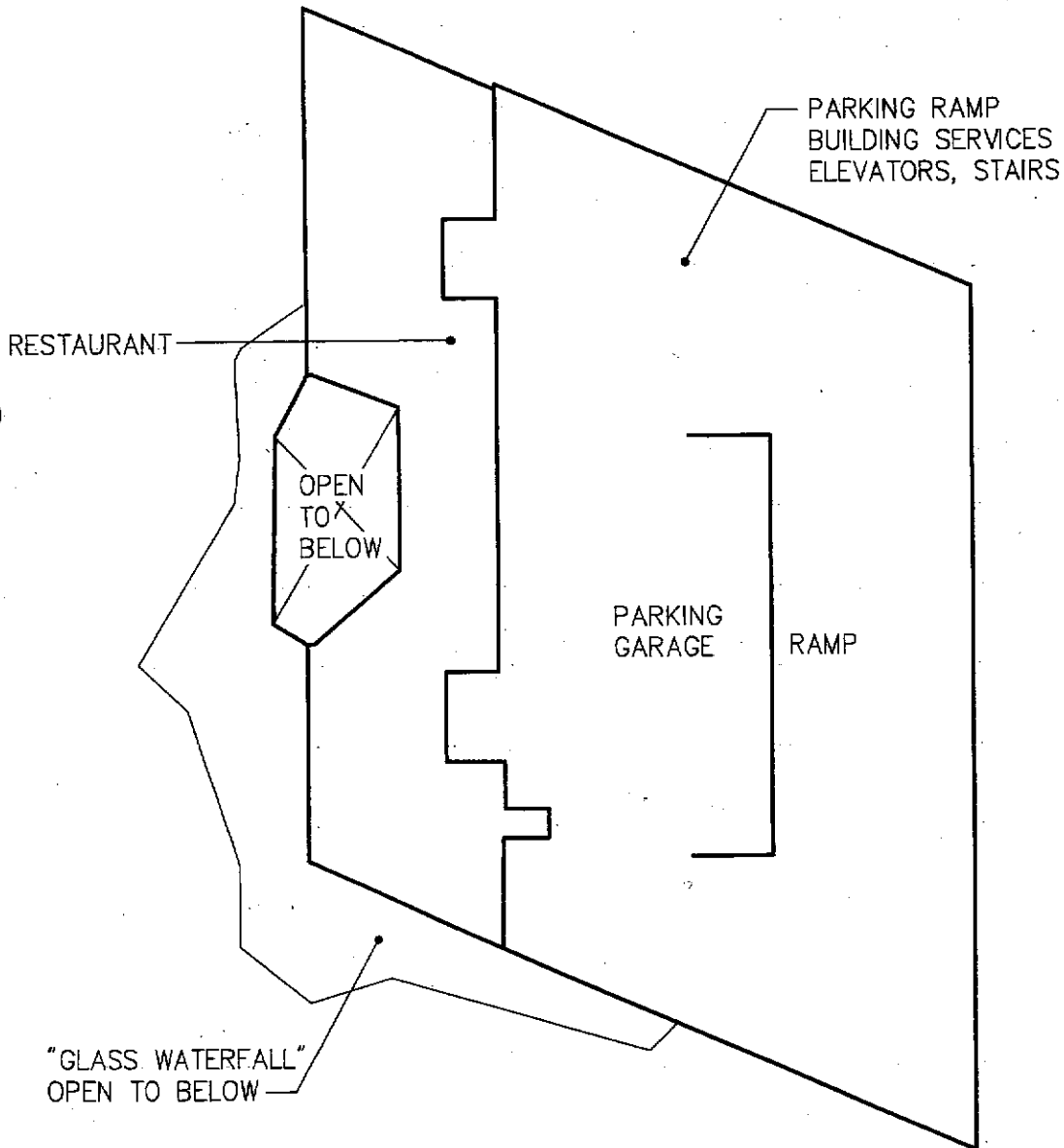
LICENSE PLAN NO. *13306*
 Approved by Department of Environmental Protection
 Date; *JUL 27 2012*



GROUND FLOOR PLAN
 SHEET 4 OF 6
 DATE: JUNE 29, 2012



6-29-12



LICENSE PLAN NO. 13306
Approved by Department of Environmental Protection

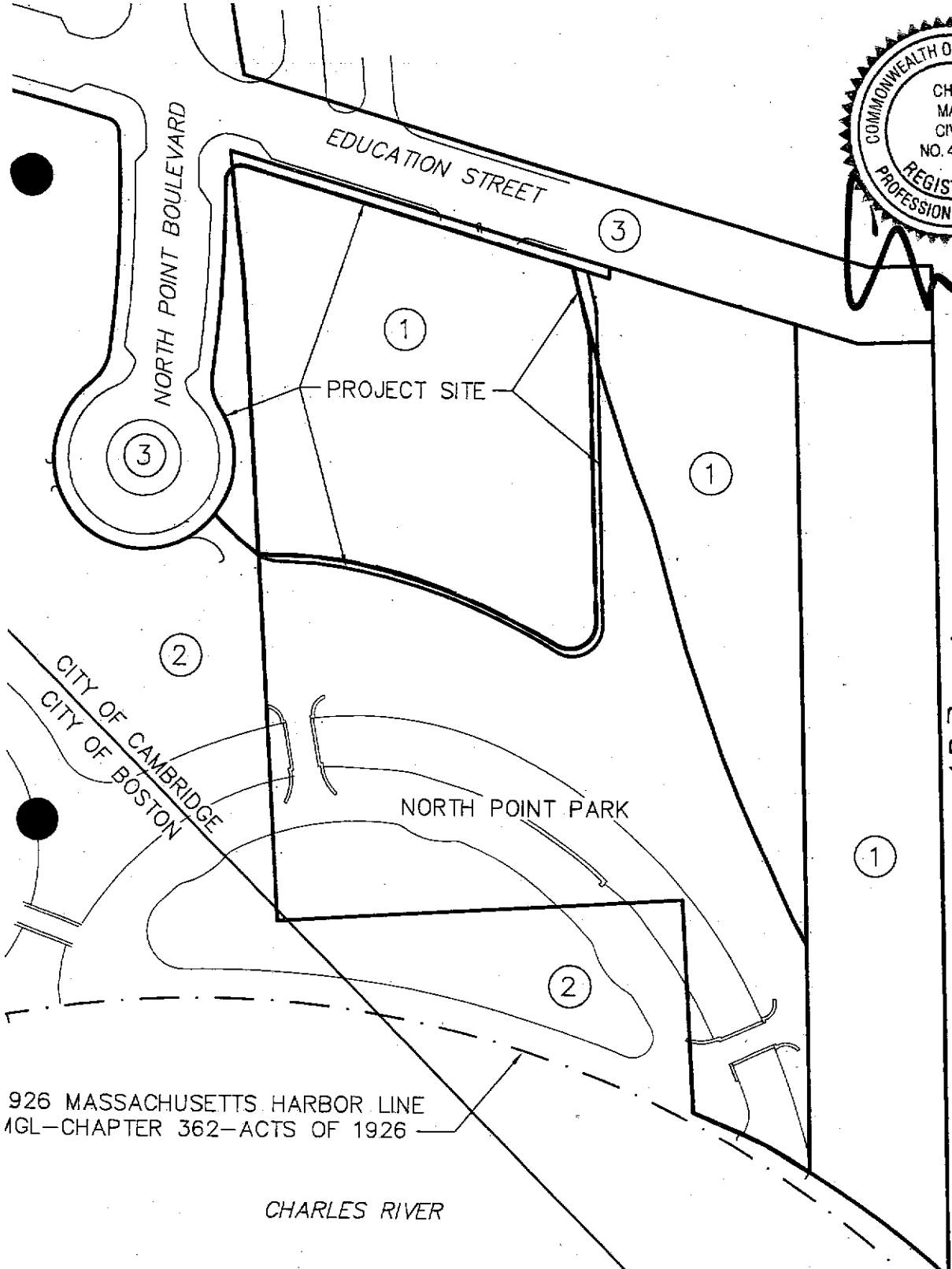
Date; JUL 27 2012



SECOND FLOOR PLAN



6-29-12

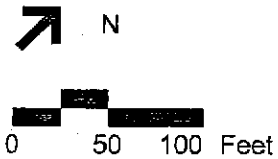


LICENSE PLAN NO. 63306
Approved by Department of Environmental Protection
Date: JUL 27 2012

926 MASSACHUSETTS HARBOR LINE
MGL-CHAPTER 362-ACTS OF 1926

CHARLES RIVER

- ① COMMONWEALTH OF MASSACHUSETTS
C/O DEPARTMENT OF TRANSPORTATION
TEN PARK PLAZA
BOSTON, MA
- ② COMMONWEALTH OF MASSACHUSETTS
C/O DEPARTMENT OF CONSERVATION AND RECREATION
251 CAUSEWAY STREET
BOSTON, MA 02108.
- ③ CITY OF CAMBRIDGE
795 MASSACHUSETTS AVENUE
CAMBRIDGE, MA 02139



PROJECT ABUTTERS
SHEET 6 OF 6
DATE: JUNE 29 2012



Commonwealth of Massachusetts
Executive Office of Energy & Environmental Affairs

Department of Environmental Protection

100 Cambridge Street Suite 900 Boston, MA 02114 • 617-292-5500

Maura T. Healey
Governor

Kimberley Driscoll
Lieutenant Governor

Rebecca L. Tepper
Secretary

Bonnie Heiple
Commissioner

November 22, 2023
EFEKTA House, Inc.
Two Education Circle
Cambridge, MA 02141
Attn: Shawna Marino

RE: CERTIFICATE OF COMPLIANCE, CHAPTER 91 WATERWAYS LICENSE No: 13306 (WW14-0000021)
2 Education Circle, Charles and Miller Rivers, Cambridge, Middlesex County

Dear Ms. Marino:

Enclosed is the Certificate of Compliance for the above referenced Waterways License pursuant to M.G.L Chapter 91 and 310 CMR 9.19. This Certificate should be recorded along with said licensing documents for future reference and a copy of such will be placed in the license files on record with the Department.

Should you have any questions, please contact the Waterways Regulation Program at dep.waterways@mass.gov. Thank you.

Sincerely,

Daniel J. Padien
Program Chief
Waterways Regulation Program

Cc: Cambridge Conservation Commission (DEP File No. 123-243)
Martha Doyle, EFEKTA House, Inc.
Waterways License No: 13306 (WW14-0000021) File



Commonwealth of Massachusetts
Executive Office of Energy & Environmental Affairs

Department of Environmental Protection

100 Cambridge Street Suite 900 Boston, MA 02114 • 617-292-5500

Maura T. Healey
Governor

Kimberley Driscoll
Lieutenant Governor

Rebecca L. Tepper
Secretary

Bonnie Heiple
Commissioner

CERTIFICATE OF COMPLIANCE PURSUANT TO M.G.L. CHAPTER 91 WATERWAYS LICENSING REGULATIONS 310 CMR 9.19

Massachusetts Department of Environmental Protection
Waterways License 13306 (WW14-0000021)
License Issued: July 27, 2012
Certificate of Compliance Issued: November 22, 2023

This Certificate of Compliance is hereby issued pursuant to Waterways Regulations 310 CMR 9.19 to:

EFEKTA House, Inc.
Two Education Circle
Cambridge, MA 02141

Waterways License Number 13306 (WW14-0000021) issued by the Department of Environmental Protection Waterways Regulation Program (the "Department") on July 27, 2012, authorized EFEKTA House, Inc. (the "Licensee") to construct and maintain a ten-story building, associated infrastructure and exterior public open space in and over filled tidelands of Charles and Millers Rivers in the City of Cambridge, Middlesex County.

The License was duly recorded at the Middlesex County Registry of Deeds in Book 59888 Page 515 and the accompanying Mylar License Plans in Plan Book 2012 Page 608 on August 30, 2012.

In accordance with the Licensee's request for a Certificate of Compliance including:

- A Permittee COC Certification signed by Martha H. Doyle, President at EFEKTA House, Inc. dated September 5, 2023;
- A Certification stamped and signed by Bryan C. Walsh at the Vanasse Hangen Brustlin, Inc., Massachusetts P.E. No. 52599, dated January 13, 2021, accompanying with a Project Architect Certification stamped and signed by Chris Martin of HGA, Massachusetts R.A. No. 30609, dated January 12, 2021, ALTA/NSPS Land Title Survey prepared by DGT Associates dated August 10, 2020, stamped and signed by Michael A. Clifford, Massachusetts P.L.S. No. 35394 dated

This information is available in alternate format. Please contact Melixza Esenyie at 617-626-1282.

TTY# MassRelay Service 1-800-439-2370

MassDEP Website: www.mass.gov/dep

Printed on Recycled Paper

September 25, 2020, Site As-Built Final Record Drawing prepared by J.F. White Contracting Co., dated October 22, 2014, a Certificates of Compliance for Wetlands Order of Conditions (DEP File No. 123-136 issued by the Cambridge Conservation Commission on August 17, 2012, and a Partial Certificate of Compliance for Wetlands Order of Conditions (DEP File No. 123-202 issued by the Cambridge Conservation Commission on August 17, 2012 for the landscaping within the project site;

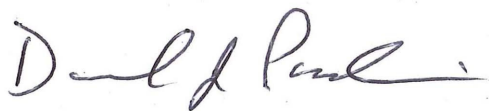
- A Certificate of Compliance for Wetlands Order of Conditions (DEP File No. 123-243) issued by the Cambridge Conservation Commission on August 28, 2017;
- A Compliance Report/Memo from Shawna Marino, Vice President of EF Education First, dated October 4, 2023, and updated November 13, 2023, demonstrating that the Project Site is in compliance with the License by conditions with respect to the public meeting space, signages, and updates on the previously approved management plan; and
- A site inspection by Waterways staff on November 17, 2023.

The undersigned certifies to the best of their knowledge that the work authorized in said License has been completed in substantial accordance with said plans, specifications, and conditions of Waterways License No. 13306 (WW14-0000021), except minor modifications to the subsurface stormwater infiltration system adjacent to the eastern building corner and minor modification to the landscape layout which has resulted in no less publicly open space. After review, the Department considers these deviations as insignificant modifications that do not require an amendment or a new authorization.

Pursuant to the foregoing analysis and affidavit, the Department hereby issues a Certificate of Compliance. The Licensee shall continue to maintain in good repair all authorized structures and uses in accordance with License No. 13306 (WW14-0000021) for the full term of the License, due to expire on July 27, 2111 if no written request for an extension is received and approved by the Department.

Please be advised that no additional work or change of use to the licensed fill and structures onsite may occur unless it is authorized by the Department under a Minor Project Modification pursuant to 310 CMR9.22(3), a License Amendment pursuant to 310 CMR 9.24, or via a new Waterways License or Permit.

IN WITNESS WHEREAS, said Department of Environmental Protection have hereunto set their hands this 22nd day of November in the year 2023.



Daniel J. Padien
Program Chief
Waterways Regulation Program