



CITY OF SOMERVILLE, MASSACHUSETTS
OFFICE OF STRATEGIC PLANNING & COMMUNITY DEVELOPMENT
JOSEPH A. CURTATONE
MAYOR

PLANNING DIVISION

PLANNING BOARD MEMBERS

KEVIN PRIOR, *CHAIRMAN*
JOSEPH FAVALORO, *CLERK*
ELIZABETH MORONEY
JAMES KIRYLO
MICHAEL A. CAPUANO, ESQ.

Case #: PB 2008-07-R3-5/2012
Site: 56 & 61 Clyde Street
Date of Decision: July 12, 2012
Decision: *Petition Approved with Conditions*
Date Filed with City Clerk: July 23, 2012

PLANNING BOARD DECISION

Applicant Name:	Davis Square Partners
Applicant Address:	100 Franklin Street, Boston, MA 02110
Property Owner Name:	VIF II/Maxpac Square Owner, LLC
Property Owner Address:	100 Franklin Street, Boston, MA 02110
Agent Name:	N/A

<u>Legal Notice:</u>	Applicant Davis Square Partners and Owner VIF II \ Maxpac Square Owner, LLC, seek a revision to an approved Special Permit with Site Plan Review under §5.3.8 to remove Condition # 4 of the original approval which pertains to signage and for a Waiver of Standards of Article 12 (Signs) under §16.5.5 to erect signage at an approved PUD development for 199 residential units. RB Zone / Planned Unit Development-B (PUD-B1) Overlay Zone / Ward 5.
----------------------	--

<u>Zoning District/Ward:</u>	RB Zone / Planned Unit Development-B (PUD-B1) Overlay Zone / Ward 5
<u>Zoning Approval Sought:</u>	§5.3.8 & § 16.5.5
<u>Date of Application:</u>	May 8, 2012
<u>Date(s) of Public Hearing:</u>	6/7
<u>Date of Decision:</u>	July 12, 2012
<u>Vote:</u>	4-0

Appeal #PB 2008-07-R3-5/2012 was opened before the Planning Board at Somerville City Hall on June 7, 2012. Notice of the Public Hearing was given to persons affected and was published and posted, all as required by M.G.L.



CITY HALL • 93 HIGHLAND AVENUE • SOMERVILLE, MASSACHUSETTS 02143
(617) 625-6600 EXT. 2500 • TTY: (617) 666-0001 • FAX: (617) 625-0722
www.somervillema.gov



c. 40A, sec. 11 and the Somerville Zoning Ordinance. After two hearings of deliberation, the Planning Board took a vote.

DESCRIPTION:

The 199 unit housing project at Maxwell's Green is under construction and the Applicant is now ready to begin erecting signage for branding purposes at the subject property. The Applicant would like to construct property monument signage at the entrance to the development complex off of Lowell Street, along with an interpretive exhibit within the complex. The property entrance monument signage is designed as a crash barrier to prevent cars from entering the community path from the Lowell Street bridge. The two crash barriers are approximately 4 feet high and 3 feet deep and bend along the edge of the Maxwell's Green roadway as it connects to Lowell Street. The signage, which is 3 feet high and would stretch for almost 22 feet across the concrete wall barrier, is designed to appear to be integral to the barrier. The signage is actually Gil Sans lettering cut out from a 3/8" thick corten steel panel that will be affixed to the crash barriers and would extend about 3 inches above the top of the barrier wall. The cut out lettering itself is only 1 foot 3 inches high and would be illuminated with a ground light fixture that would shine onto the steel panel. Each of these signs is approximately 66 square feet in size which is well above the permitted 12 square feet as specified in Article 12 of the SZO.

The proposed historical kiosk/interpretive exhibit that the Applicant would like to erect was a requirement per the memorandum of understanding between the Owner and the Somerville Historic Preservation Commission. The proposed kiosk is 18 square feet in size (6 feet high and 3 feet wide) and consists of a galvanized steel panel with a "corten" finish affixed to a case in place concrete base that is 7 feet tall and 3.5 feet wide. The kiosk would be illuminated with an up-light fixture. This interpretive exhibit provides a history of the Maxwell's Green site from origins as a home to a corrugated box production business. The kiosk would be located in the center of the development between buildings 3 and 5 on the pedestrian connection to the Community Path. This 18 square foot sign also exceeds the 12 square feet of permitted sign size as specified in Article 12 of the SZO.

In order to erect any of these three signs, the Applicant needs to seek relief from the specific condition, Condition # 4, in the original SPSR approval. As such, the Applicant would like to have Condition # 4 revised or removed from the SPSR approval which reads as follows: "Any new signage must comply with the standards of the SZO for signs in residential districts."

FINDINGS FOR SPECIAL PERMIT REVISION (SZO §5.3.8):

In order to grant a Special Permit, the SPGA must make certain findings and determinations as outlined in §5.1.4 of the SZO. This section of the report goes through §5.1.4 in detail.

The following findings are relevant to the proposed editing of Condition # 4 in the original SPSR approval as proposed by Planning Staff instead of simply removing the condition all together.

1. Information Supplied: The Board finds that the information provided by the Applicant conforms to the requirements of §5.1.2 of the SZO and allows for a comprehensive analysis of the project with respect to the required Special Permits.
2. Compliance with Standards: The Applicant must comply "with such criteria or standards as may be set forth in this Ordinance which refer to the granting of the requested special permit."

The proposal complies with the standards for issuing a revision to the Special Permit. The final Certificate of Occupancy has not yet been issued, the proposal otherwise is in accordance with the originally approved plans and conditions, and notice has been given for the public hearing.



CITY HALL • 93 HIGHLAND AVENUE • SOMERVILLE, MASSACHUSETTS 02143
(617) 625-6600 EXT. 2500 • TTY: (617) 666-0001 • FAX: (617) 625-0722

www.somervillema.gov



3. Consistency with Purposes: The Applicant has to ensure that the project "is consistent with (1) the general purposes of this Ordinance as set forth in Article 1, and (2) the purposes, provisions, and specific objectives applicable to the requested special permit which may be set forth elsewhere in this Ordinance, such as, but not limited to, those purposes at the beginning of the various Articles."

The proposal, with the edited and added conditions, is consistent with the general purposes of the Ordinance as set forth under §1.2, which includes, but is not limited to providing for and maintaining "the uniquely integrated structure of uses in the City; to conserve the value of land and buildings; to preserve the historical and architectural resources of the City; to adequately protect the natural environment; to encourage the most appropriate use of land throughout the City; and to preserve and increase the amenities of the municipality."

The proposal, with the edited and added conditions, is also consistent with the purpose of the Planned Unit Development, or PUD, which is, "to provide for a mixture of land usage at designated locations at greater variety, density and intensity than would normally be allowed. The purpose for a PUD is also to achieve, to the greatest possible degree, land development responsive to an analysis of the environmental assets and liabilities of a site, both natural and man-made. A PUD should be a well-integrated development in terms of land uses, functional activities, and major design elements such as buildings, roads, utilities, drainage systems and open space. A PUD is allowed greater design flexibility so that larger-scale site and master planning for a development may protect natural features and consider most fully the surrounding land use and development context. This may allow for development to be more highly concentrated on one portion of a site than would otherwise be the case, with a resulting lower intensity of development elsewhere on the site. Development should be concentrated in the most suitable and least environmentally sensitive areas of the landscape. Preservation and enhancement of open space is strongly promoted.

The PUD concept is deemed highly appropriate to large scale mixed use development in those districts where it may be permitted, and is strongly encouraged. In those base zoning districts where a PUD is permitted, it is intended that the benefits of Planned Unit Development to the developer will act to encourage consolidation of unused and/or underutilized land parcels so that comprehensive and responsible site planning will occur. A designated PUD may permit for inclusion certain land uses only allowable in a PUD context under provisions of this Zoning Ordinance. A PUD may be more responsive to economic and market conditions because of greater zoning flexibility and development phasing, resulting in a wider range of product type and development responsive to changes in design technology over time."

4. Site and Area Compatibility: The Applicant has to ensure that the project "(i)s designed in a manner that is compatible with the characteristics of the built and unbuilt surrounding area, including land uses."

The Applicant is not proposing to change the residential buildings which are currently under construction in conformance with the plans of the originally awarded SPSR. The proposed signage the Applicant would like to erect would be compatible with the built and unbuilt surrounding area. The property entrance monument signage would be affixed to existing crash barriers that are four feet in height and would only extend above the top of the barriers by three inches. The entrance signage will add a decorative element to a very industrial feeling concrete wall that will welcome residents and visitors to the Maxwell's Green complex. The interpretive kiosk, while somewhat tall in nature at 7 feet above grade, its location in the center of the development complex situated between two buildings and amongst vegetation, will make it virtually impossible for someone to see from outside the residential grounds. Additionally, the lighting of each of these proposed signs is simple in nature as in both cases ground fixtures will illuminate steel panels.

5. Adverse Environmental Impacts: The proposed use, structure or activity will not constitute an adverse impact on the surrounding area resulting from: 1) excessive noise, level of illumination, glare, dust, smoke, or vibration which are higher than levels now experienced from uses permitted in the surrounding area; 2) emission of noxious or hazardous materials or substances; 3) pollution of water ways or ground water; or 4) transmission of signals that interfere with radio or television reception.



No adverse environmental impacts are anticipated from this project. No new noise, glare, smoke, vibration, nor emissions of noxious materials nor pollution of water ways or ground water nor transmission of signals that interfere with radio or television reception are anticipated as part of the proposal.

6. Vehicular and Pedestrian Circulation: The circulation patterns for motor vehicles and pedestrians which would result from the use or structure will not result in conditions that create traffic congestion or the potential for traffic accidents on the site or in the surrounding area.

The Applicant is not proposing to make any changes to the circulation patterns for motor vehicles or pedestrians that were approved in the original SPSR (PB 2008-07) or the approved revision (PB 2008-07-R-1110). The crash barriers which will prevent cars from entering the community path will be constructed whether or not the proposed signage is erected. The entrance monument signage will simply help to mask the large expanse of concrete wall on both sides of the entrance drive off of Lowell Street. The Board has included an additional condition to the original SPSR approval that requires the Applicant to move these crash barriers should the MBTA deem it necessary if they need to rework the design and/or access to the MBTA Lowell Street Green Line Station in the future.

FINDINGS FOR WAIVER OF STANDARDS OF ARTICLE 12 (SIGNS) (SZO §16.5.5):

In a proposed PUD, relief from the standards of SZO Article 9 (Off-Street Parking and Loading), Article 10 (Landscaping and Screening), and Article 12 (Signs) may be granted solely through a waiver from the SPGA, in this case the Planning Board, and only upon making the required determinations as outlined in Section 16.5.4 of the SZO. This section of the report goes through §16.5.4 in detail.

1. Such a waiver would result in a better site plan than strict compliance with the stated standards.

If the Applicant were required to adhere to Condition # 4 as it is currently written and the regulations of Article 12, the permitted signage would be woefully out of scale with the rest of the development project. Signage for residential uses in residential districts can only be 12 square feet in size. This amount of square footage is well below a reasonable amount of signage to identify the 199 units on the 237,480 square foot project site. Therefore, the Board finds that a waiver from Article 12 of the SZO would result in a better site plan than strict compliance with the existing condition of the approved SPSR.

2. The proposed PUD design furthers the Purpose and PUD Design Guidelines of Section 16.7 (PUD Design Guidelines).

- a. The design of the signage is cohesive to the rest of the proposed development and adheres to the identifiable design feature throughout the entire site.
- b. There are no additional buildings being proposed as part of this signage proposal.
- c. No building is being proposed to exceed the base district height limit as part of this proposal.
- d. The proposal does not preclude future connections of usable open space on the site or to other locations off the subject property.
- e. The proposed project does not cast a shadow on residential lands or usable public open space.
- f. The proposed signage does not alter or restrict the existing or originally proposed vehicular access to and from the subject property.
- g. The signage proposal does not involve any changes to the internal PUD streets or local and collector roadways.



CITY HALL • 93 HIGHLAND AVENUE • SOMERVILLE, MASSACHUSETTS 02143
(617) 625-6600 EXT. 2500 • TTY: (617) 666-0001 • FAX: (617) 625-0722

www.somervillema.gov



- h. The signage proposal does not alter the PUD block size, scale, or street grid.
 - i. The signage proposal preserves and enhances the natural features at the subject property.
 - j. The signage proposal minimizes impervious surfaces.
 - k. The entrance monument signage being proposed incorporates itself into the existing crash barriers that are being installed to prevent cars from entering the community path from the Lowell Street bridge.
 - l. Shopping centers and business parks are not part of this proposal.
3. The granting of such a waiver will not cause detriment to the surrounding neighborhood.

The granting of a waiver from SZO §12 will not cause detriment to the surrounding neighborhood because, as conditioned, this approval would require the Applicant to construct the signage as specified on the submitted plans with an OSPCD date stamp of May 31, 2012. The property entrance monument signage would be affixed to existing crash barriers that are four feet in height and would only extend above the top of the barriers by three inches. The entrance signage will add a decorative element to a very industrial feeling concrete wall that will welcome residents and visitors to the Maxwell's Green complex. The interpretive kiosk, while somewhat tall in nature at 7 feet above grade, its location in the center of the development complex situated between two buildings and amongst vegetation, will be virtually impossible for someone to see from outside the residential grounds. Additionally, the lighting of each of these proposed signs is simple in nature as in both cases ground fixtures will illuminate steel panels.

DECISION:

Present and sitting were Members Elizabeth Moroney, Joseph Favaloro, James Kirlyo and Michael Capuano with Kevin Prior absent. Upon making the above findings, Joseph Favaloro made a motion to approve the request for a Special Permit. Elizabeth Moroney seconded the motion. Wherefore the Planning Board voted **4-0** to **APPROVE** the request. In addition the following conditions were attached:



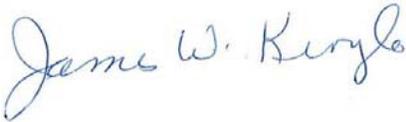
Attest, by the Planning Board:



Elizabeth Moroney



Joseph Favaloro



James Kirylo



Michael A. Capuano, Esq.

Copies of this decision are filed in the Somerville City Clerk's office.
Copies of all plans referred to in this decision and a detailed record of the
SPGA proceedings are filed in the Somerville Planning Dept.



CLERK'S CERTIFICATE

Any appeal of this decision must be filed within twenty days after the date this notice is filed in the Office of the City Clerk, and must be filed in accordance with M.G.L. c. 40A, sec. 17 and SZO sec. 3.2.10.

In accordance with M.G.L. c. 40 A, sec. 11, no variance shall take effect until a copy of the decision bearing the certification of the City Clerk that twenty days have elapsed after the decision has been filed in the Office of the City Clerk and no appeal has been filed, or that if such appeal has been filed, that it has been dismissed or denied, is recorded in the Middlesex County Registry of Deeds and indexed in the grantor index under the name of the owner of record or is recorded and noted on the owner's certificate of title.

Also in accordance with M.G.L. c. 40 A, sec. 11, a special permit shall not take effect until a copy of the decision bearing the certification of the City Clerk that twenty days have elapsed after the decision has been filed in the Office of the City Clerk and either that no appeal has been filed or the appeal has been filed within such time, is recorded in the Middlesex County Registry of Deeds and indexed in the grantor index under the name of the owner of record or is recorded and noted on the owner's certificate of title. The person exercising rights under a duly appealed Special Permit does so at risk that a court will reverse the permit and that any construction performed under the permit may be ordered undone.

The owner or applicant shall pay the fee for recording or registering. Furthermore, a permit from the Division of Inspectional Services shall be required in order to proceed with any project favorably decided upon by this decision, and upon request, the Applicant shall present evidence to the Building Official that this decision is properly recorded.

This is a true and correct copy of the decision filed on _____ in the Office of the City Clerk, and twenty days have elapsed, and

FOR VARIANCE(S) WITHIN

_____ there have been no appeals filed in the Office of the City Clerk, or
_____ any appeals that were filed have been finally dismissed or denied.

FOR SPECIAL PERMIT(S) WITHIN

_____ there have been no appeals filed in the Office of the City Clerk, or
_____ there has been an appeal filed.

Signed _____ City Clerk Date _____



CITY HALL • 93 HIGHLAND AVENUE • SOMERVILLE, MASSACHUSETTS 02143
(617) 625-6600 EXT. 2500 • TTY: (617) 666-0001 • FAX: (617) 625-0722

www.somervillema.gov

