



CITY OF SOMERVILLE, MASSACHUSETTS
MAYOR'S OFFICE OF STRATEGIC PLANNING & COMMUNITY DEVELOPMENT
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JAMES KIRYLO
MICHAEL A. CAPUANO, ESQ.
ELIZABETH MORONEY

Case #: PB 2008-07-R4-1/2013
Site: 56 & 61 Clyde Street
Date of Decision: January 24, 2013
Decision: *Petition Approved with Conditions*
Date Filed with City Clerk: February 7, 2013

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:	Steve Perdue
Agent Address:	100 Franklin Street, Boston, MA 02110

Legal Notice: 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 construct an amenity space in Building A. 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
<u>Date of Application:</u>	December 24, 2012
<u>Date(s) of Public Hearing:</u>	January 24, 2013
<u>Date of Decision:</u>	January 24, 2013
<u>Vote:</u>	4-0

Appeal #PB 2008-07-R4-/2013 was opened before the Planning Board at Somerville City Hall on January 24, 2013. Notice of the Public Hearing was given to persons affected and was published and posted, all as required by M.G.L.



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

DESCRIPTION:

The application is to seek approval for an amenity space that was constructed on the second floor of Building A. This space is 472 square feet and functions as a living room/lounge with couches and tables for residents of Maxwell's Green. There is a roof deck surrounding much of the amenity space. Part of the deck is only accessible from the club suite and the remaining portion is accessible from the amenity space.

The 2008 approval for Building A included four stories in this location and the total square footage of the building was 82,277 square feet. The revision in 2011 included reducing this portion of the building to one story and reducing the overall size of Building A to 70,482 square feet. The current application adds a small portion of the massing of the building back in this location.

FINDINGS FOR SPECIAL PERMIT REVISION (SZO §5.3.8):

In order to grant a Special Permit with Site Plan Review, 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 finding is relevant to the proposed revisions.

1. 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 floor area ratio will remain conforming with the increase of 472 square feet for the amenity space. The 2008 approval included a building that was much larger and was later reduced in size. This modest increase for the amenity space will not bring the project out of compliance with the floor area ratio or other dimensional requirements.

2. 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 amenity space has already been constructed and its design is compatible with the rest of the structure. The massing of Building A in this location was approved to be much larger. The building design has changed twice and the massing in this area is smaller and visually ties the one-story portion of the building to the four-story portion by providing a two-story step.



DECISION:

Present and sitting were Members Kevin Prior, Joseph Favaloro, James Kirylo and Michael Capuano. Upon making the above findings, Joseph Favaloro made a motion to approve the request for a Special Permit. James Kirylo seconded the motion. Wherefore the Planning Board voted **4-0** to **APPROVE** the request.

The following plans dated June 10, 2011 include the amenity space:

A-103B Building A Second Floor Plan North
A-201 Building A Elevations
A-202 Building A Elevations



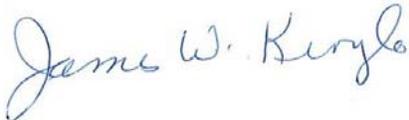
Attest, by the Planning Board:



Kevin Prior, Chairman



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 _____

