



**CITY OF SOMERVILLE, MASSACHUSETTS**  
**MAYOR'S OFFICE OF STRATEGIC PLANNING & COMMUNITY DEVELOPMENT**  
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ALEX MELLO, *PLANNER*

**Case #:** ZBA 2016-129-R2-10/19  
**Date:** November 20, 2019  
**Recommendation:** Conditional approval

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**PLANNING STAFF REPORT**

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**Site:** 17-25 Murdock Street and 227-229 Cedar Street

**Applicant / Owner Name:** Cedar Murdock Partners, LLC  
**Applicant / Owner Address:** 6 Spice Street, Suite 10, Charlestown, MA 02129  
**Agent Name:** Adam Dash, Esq.  
**Agent Address:** 48 Grove Street, Suite 304, Somerville, MA 02144  
**City Councilor:** Mark Niedergang

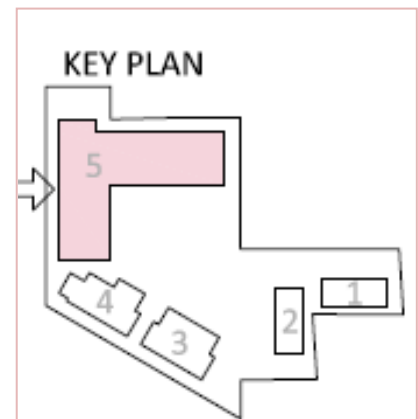
Legal Notice: Applicant and Owner, Cedar Murdock Partners, LLC, seeks a revision to their previously approved special permit with site plan review under SZO §5.3.8 in order to change the height of the foundations for buildings 3, 4, and 5 due to ground water levels and for other miscellaneous site related changes. RB zone. Ward 5.

Dates of Public Hearing: Zoning Board of Appeals – November 6, 2019

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**I. PROJECT DESCRIPTION**

1. Subject Property: The subject property was approved in January 2017 to demolish the four existing nonconforming industrial buildings and construct twenty-two residential units in five buildings totaling approximately 37,162 square feet of net floor area. Buildings 1 and 2 will each contain two two-bedroom units, Buildings 3 and 4 will each contain four two-bedroom units, and Building 5 will contain seven two-bedroom row house units and three three-bedroom units. Site amenities include a pedestrian plaza, covered bicycle sheds, a common pavilion, a pedestrian green, rainwater gardens, underground parking, a private pedestrian alley (open for emergency vehicles), and numerous plantings.



In March 2019, the ZBA approved a revision to the project to have the ground floor of Building 1

constructed higher above grade than the approved plan set showed. During the initial phases of construction the development site was found to have a higher than expected water table which is not an atypical condition in many parts of the city. The water table impacted the height of Buildings 3 and 4 as well but to a lesser extent. Such changes were considered de Minimis by the Planning Director.

2. **Proposal:** The proposal is to revise the original ground floor height of Building 5. It was originally approved at 3'-6" from average finished grade. However, similarly to Buildings 1, 3, and 4 during the initial phases of construction the development site was found to have a higher than expected water table. The modification to the ground floor heights of Buildings 3 and 4 are going to be considered de Minimis changes by the Planning Director. The proposal is to increase the average ground floor height of Building 5 by 1.54 feet on average. The total height of Building 5 has increased from 35' at the original approval, to 36' from the Building Permit set, and is not built at 37.45 feet. The maximum allowed in the district is 40 feet.

3. **Green Building Practices:** The proposal includes a creative and ecological site plan by using rain gardens that will be slightly depressed to create an ideal environment for plating and stormwater infiltration. The site will also have an increased amount of permeability compared to current conditions. The buildings are proposed to meet or exceed the Stretch Code and the entire project is estimated to meet a minimum LEED certifiable level. The inclusion of bicycle storage and proximity to the Community Path and future Green Line stations on Lowell Street and Ball Square encourage alternative modes of transportation to and from the site.

## **II. FINDINGS FOR REVISION TO SPECIAL PERMIT (SZO §5.3.8):**

### ***Section 5.3: Procedures for Special Permits and Special Permits with Site Plan Review***

Revisions that are not de minimis shall be subject to the full notice and hearing provisions of §5.3.2 of this Ordinance, but shall not be subject to review by additional boards, departments, city agencies or commissions except as requested by the SPGA or upon the recommendation of the Planning Director. Applicable findings shall be made in accordance with the type of permit(s) being revised.

The findings made under the previous Special Permit with Site Plan Review approved by the ZBA in January of 2017 (ZBA 2016-129) and the Special Permit with Site Plan Review revision approved by the ZBA in March of 2019 (ZBA 2016-129-R1-2/19) are not applicable to this proposal.

The revisions to the height will continue to conform to the 40-foot height maximum of the RB zoning district.

## **III. RECOMMENDATION**

### **Special Permit Revision under §5.3.8**

Based on the materials submitted by the Applicant, the above findings and subject to the following conditions, the Planning Staff recommends **CONDITIONAL APPROVAL** of the requested **SPECIAL PERMIT REVISION**.

The recommendation is based upon a technical analysis by Planning Staff of the application material based upon the required findings of the Somerville Zoning Ordinance, and is based only upon information submitted prior to the public hearing. This report may be revised or updated with new recommendations, findings and/or conditions based upon additional information provided to the Planning Staff during the public hearing process.

#	Condition	Timeframe for Compliance	Verified (initial)	Notes				
1	<p>Approval is to strike condition #19 from the previous permit. This approval is based upon the following application materials and the plans submitted by the Applicant:</p> <table border="1"> <thead> <tr> <th>Date (Stamp Date)</th> <th>Submission</th> </tr> </thead> <tbody> <tr> <td>October 3, 2019</td> <td>Initial application submitted to the City Clerk's Office</td> </tr> </tbody> </table> <p>Any changes to the approved site plan or elevations/use that are not <i>de minimis</i> must receive SPGA approval.</p>	Date (Stamp Date)	Submission	October 3, 2019	Initial application submitted to the City Clerk's Office	BP/CO	ISD/Plng.	
Date (Stamp Date)	Submission							
October 3, 2019	Initial application submitted to the City Clerk's Office							
2	All other conditions of approval from ZBA 2016-129 and ZBA 2016-129-R1-2/19 remain in effect.							
<b>Final Sign-Off</b>								
3	The Applicant shall contact Planning Staff at least five working days in advance of a request for a final inspection by Inspectional Services to ensure the proposal was constructed in accordance with the plans and information submitted and the conditions attached to this approval.	Final sign off	Plng.					

