



City of Somerville

PLANNING BOARD

City Hall 3rd Floor, 93 Highland Avenue, Somerville MA 02143

2021 FEB 16 P 12:34

DECISION

CITY CLERK'S OFFICE
SOMERVILLE, MA

PROPERTY ADDRESS: 337 Somerville Ave
CASE NUMBER: PB 2016-09-R2-11/20
OWNER: Union Square Ventures LLC
OWNER ADDRESS: 402 Highland Ave, Somerville, MA 02144
DECISION: Approved with Conditions
DECISION DATE: February 4, 2021

This decision summarizes the public hearing and findings made by the Somerville Planning Board ("the Board") for the Plan Revision modifying the conditions of a previously issued Special Permit.

LEGAL NOTICE

Union Square Ventures LLC seeks modifications to the conditions of the previously issued special permits PB 2016-09 and PB 2016-09-R1-0317. Applicant will separately seek removal of the related condition imposed by the Zoning Board of Appeals.

RECORD OF PROCEEDINGS

On February 4, 2021 the Board held a virtual public hearing advertised in accordance with M.G.L. 40A and the Somerville Zoning Ordinance via GoToWebinar pursuant to Governor Baker's March 12, 2020 Order suspending certain provisions of the Open Meeting Law, M.G.L. Chapter 30A, §18. Present and sitting were Board Members Chair Michael A. Capuano, Vice Chair Amelia Aboff, Clerk Sam Dinning, Jahan Habib, and Rob Buchanan. The Applicant provided an overview of their request. Planning & Zoning Staff noted that at the Zoning Board of Appeals (ZBA) hearing the previous night regarding the parallel request, the Applicant had requested that Condition 3 as written in the Staff Memo be altered to exempt those spaces only from the use caps of Condition 1, rather than from the entirety of the recommended Conditions 1 and 2, and that the ZBA had approved that request.

The Board asked Planning & Zoning Staff for an explanation regarding the impact that changing Condition 3 would have. Planning & Zoning Staff explained that Condition 3 as written in the Staff Memo would have the MR5 and Pedestrian Street designation apply to the areas exempted and regulate what uses would be permitted there, whereas Condition 3 as approved by the ZBA would result in the use list of Condition 1 (but not the square footage caps) regulating the permitted uses on that portion of the site. Planning & Zoning Staff noted that since the caps of Condition 1 would not apply to the areas noted in Condition 3, the areas noted in Condition 3 would not be counted towards the square footage caps of Condition 1.

The Board then opened the hearing to comments, questions, or concerns from members of the public.

FINDINGS

In accordance with the Somerville Zoning Ordinance in effect at the time the original permit was issued, the Board made the following findings:

- The proposed changes to the conditions list do not contradict any of the findings made when issuing the original Special Permit.
- Condition 1 of the original Special Permit contained multiple distinct clauses. Separating each clause of Condition 1 of the original Special Permit into distinct conditions will clarify the intent of the condition.

DECISION

Following public testimony, review of the submitted application materials and staff memo, and discussion of the statutorily required considerations Mr. Buchanan moved to approve the Plan Revision. Clerk Dinning seconded. The Board voted **5-0** to approve the Plan Revision, applying the following conditions superseding Condition #1 of the previous approval, with all other conditions renumbered accordingly:

Perpetual

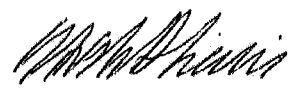
1. The following principal uses are permitted up to the maximum cumulative square feet listed below:

Restaurant and/or Fast Food (§§7.11.10.1 and 7.11.10.2):	5,500sf.
Office (§7.11.7.1):	2,500sf.
Catering (§7.11.10.4):	2,500sf.
Gallery (§7.11.5.B.2):	9,999sf.
Specialty food sales and production (§7.11.9.3):	4,999sf.
Artist/Fab Space (§§7.11.6.8 and 7.11.9.13):	9,999sf.
Performance (§7.11.6.4):	2,500sf.
Retail Space (§§7.11.9.1, 7.11.9.2, and 7.11.9.4):	4,000sf.
Services (§§7.11.8.1, 7.11.8.9, and 7.11.8.13):	1,500sf.
Brewing (with or without food service) (§7.11.10.6):	2,500sf.
2. Any change in use within or between any of the above permitted principal uses does not require a special permit.
3. Any commercial space or principal structure with a principal entrance onto Somerville Ave is exempt from the square footage caps of the permitted principal uses listed in Condition #1.

Attest, by the Planning Board:

Michael A. Capuano, *Chair*
Amelia Aboff, *Vice Chair*
Sam Dinning, *Clerk*
Jahan Habib
Rob Buchanan

Attest, by the Director of Planning & Zoning:



Sarah Lewis

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. 15.5.3.

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 _____