



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

MICHAEL F. GLAVIN
EXECUTIVE DIRECTOR

PLANNING DIVISION

PLANNING BOARD MEMBERS

KEVIN PRIOR, *CHAIRMAN*
JOSEPH FAVALORO, *CLERK*
DOROTHY A. KELLY GAY
MICHAEL A. CAPUANO, ESQ.
REBECCA LYN COOPER
GERARD AMARAL, (ALT.)

Case #: PB 2006-59-MA18
Site: ASQ Linear Park
Date of Decision: September 22, 2016
Decision: *Petition Approved with Conditions*
Date Filed with City Clerk: September 27, 2016

PLANNING BOARD DECISION

Applicant Name:	Street Retail, Inc.
Applicant Address:	1626 East Jefferson Street, Rockville, MD 20852
Property Owner Name:	Street Retail, Inc.
Property Owner Address:	1626 East Jefferson Street, Rockville, MD 20852
Agent Name:	Nutter, McClennen & Fish, LLP
Agent Address:	World Trade Center West, 155 Seaport Blvd, Boston, MA 02210

Legal Notice: Applicant/Owner, Street Retail Inc., seek a Special Permit with Site Plan Review under SZO §5.5 and §8.6.5.c to approve two single or multi-tenanted food service or retail buildings located within Assembly Line Park.

<u>Zoning District/Ward:</u>	ASMD zone/PUD-A/Ward 1
<u>Zoning Approval Sought:</u>	§5.5 & §8.6.5.c
<u>Date of Application:</u>	August 4, 2016
<u>Date(s) of Public Hearing:</u>	September 22, 2016
<u>Date of Decision:</u>	September 22, 2016
<u>Vote:</u>	5-0

Appeal #PB 2016-14 was opened before the Planning Board at Somerville City Hall on September 22, 2016. Notice of the Public Hearing was given to persons affected and was published and posted, all as required by M.G.L. c. 40A, sec. 11 and the Somerville Zoning Ordinance. After one hearing of deliberation, the Planning Board took a vote.



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

DESCRIPTION:***A. Overall***

The proposed project consists of two buildings that have ground floor and mezzanine levels. The use of the spaces will be retail or food service. The number of employees and hours of operation are unknown at this time because the tenants have not yet been determined.

Compliance with dimensional standards is shown in the table below.

DIMENSIONAL REQUIREMENTS	PUD-A	Approved PUD	Proposed Project *
Minimum lot size	20,000 sf	66.5 acres	16,684 sf (0.38 acres)
Frontage	-	-	~750 ft
Front yard setback	No minimum	-	4.3 ft (bldg. A)
Side yard setback (left)	No minimum	-	33.2 ft (bldg. B)
Side yard setback (right)	No minimum	-	5.43 ft (bldg. A)
Rear yard setback	No minimum	-	3.89 ft (bldg. B)
Maximum area ratio (FAR)	10.0	2.0	0.48
Maximum height, feet	70 feet up to 250 feet	Varying up to 250 feet	29 ft 6.5 in
Minimum lot area/per dwelling unit	No minimum	Approx 1379	N/A
Total open space (% & sf)	25%	27.9% 744,174 sf	50.4 % 8,413 sf
Useable open space (% & sf)	12.5%	22.1% 589,434 sf	49.5 % 8,251 sf

* The dimensional requirements do not need to be met for each individual SPSR as they contribute to the approved PUD that does comply with the dimensional requirements.

B. Site Design and Access

The project area is rectangular in shape. Building A spans much of the width of the parcel and Building B is setback from the eastern edge along Assembly Row. The main entrances to the buildings are internal to the block.

Pedestrian or bicyclist access will be from crosswalks at the intersections with Foley Street and Revolution Drive and midblock via twelve foot raised crosswalks with detectable warning strips.

People driving to the site will park in a garage on another block or use on-street spaces in the area.

C. Building Shape and Placement

Building A will be a 4,490 square feet on the first floor with a 640 square foot mezzanine. Building B will be a 2,000 square foot building with a 315 square foot mezzanine. Both buildings will be free standing. The trellis on Building B is supposed to provide a connection between the existing blocks and the Partner's Healthcare site.

D. Uses

The use of the building is proposed to be restaurant and/or retail (§7.11.10.1.1.B or 7.11.10.2.2.b or 7.11.9). It is anticipated that two or more tenants would occupy the building. The PMP contemplated that the use of the park



would be recreational; however, the uses approved as part of the PMP can be located on this piece of land. From the 2014 PMP revision approval, “[m]edian Park will be a 20,000 linear park that will have an active edge of retail uses on Blocks 7 and 8. The park will be designed like outdoors rooms that will provide passive recreation and other experiences along it. The park will keep pedestrians safe with the placement of bollards or a low fence or wall; however, the location of the median will in and of itself will provide for traffic calming.”

A list of specific uses from the SZO use table was approved as part of the PUD-PMP. Appendix G provides information on the square footage of each use that was permitted through the Master Plan approval and how many square feet of each use has been constructed to date.

E. Linkage

The City, the Somerville Redevelopment Authority, and Federal Realty Investment Trust have entered into a development covenant from 2006 that establishes that linkage will be paid after the first 300,000 square feet of space is constructed in the PUD PMP, excluding the existing Mall. This threshold has been reached as outlined in Appendix G and linkage will be required for the square footage of this building as is outlined in the attached conditions.

F. Inclusionary Housing

The provisions of SZO section 13.2 do not apply to this proposal because there will not be a residential component to the development.

G. Landscaping and Open Space

Landscaping: The landscaping on the site will be minimal. The open space has been designed to be an active plaza.
Usable Open Space: Under §16.6.1 of the SZO, at least 50% of the required minimum landscaped area must be set aside as permanent usable open space, made accessible to the public at a minimum from 9:00 am to 5:00 pm, and protected through a covenant or other appropriate legal instrument. The open space at the site will be primarily between the two proposed buildings and will be open to the public for longer than the required hours. The usable open space will be consolidated where practical to make larger spaces that will connect the Assembly Row development to the waterfront. The overall calculation of useable open space in the PUD is 22.1%.

H. Parking, Loading and On-site Circulation

There will not be parking on the block. Per Section 9.16 of the SZO, the use requires 16 spaces if it is all a restaurant and 8 spaces if it is all used as retail. The maximum number of spaces for the uses is 32 and 16 consecutively.

PARKING REQUIREMENTS	Square Feet	Minimum Requirement	Minimum # Spaces*	Maximum Requirement	Maximum # Spaces
Retail	8,058	1/1,000 sf	8	1/500sf	16
Restaurant	8,058	1/500sf	16	1/250sf	32

* The parking requirements do not need to be met for each individual SPSR as they contribute to the approved PUD that does comply with the parking requirements.

SomerVision, Somerville’s 20-year Comprehensive Plan, calls for a minimum of 50 percent of new trips to the City to be by walking, bicycling or taking public transit. Conditions attached to the approval require a detailed transportation management plan, data related to parking utilization, and an updated shared use analysis to ensure that data related to parking is up-to-date and transparent and that the City’s mode split goals are being met.

One to three bicycle parking spaces are required depending on the use. Bicycle parking will be located on adjacent blocks and not the subject property because line park will be narrow and bike parking would disrupt the limited amount of open space.

One or two loading areas are required for the restaurant and retail use. The required dimensions for a loading area are 12 by 20 feet. The Project is proposing to utilize a space that is only 7 by 20 feet. The loading space will be



located in the parallel street parking spaces along a one-way roadway. The loading space is located as close as possible to the entrance of Building A. The loading area is anticipated to be adequate for the types of deliveries required for a building of this size. No loading areas are required if the retail use ends up being less than 5,000 square feet. Deliveries are expected to occur during morning hours so as not to interfere with normal customer activity.

The Applicant has worked with Vanasse Hangen Brustlin, Inc. (VHB) as its traffic engineers on the project to ensure safe circulation patterns at the property. Pedestrian access will be provided around and through the site. There are crosswalks proposed at the intersections with Foley Street and Revolution Drive and midblock. The midblock crossings are raised to slow traffic.

There will be vehicular access on either side of the linear park with one lane and one lane of parallel parking.

I. Form and Design of the Building

Design guidelines were adopted as part of the Preliminary Master Plan (PMP) approval for the blocks in the PMP that lay out the form and key elements of the Blocks. The 2014 PMP revision included line park, previous called median park, however, design guidelines for the buildings were not submitted because structures were not proposed to be on the block at that time.

A design guideline for the buildings was submitted as part of this SPSR application. The overall goal is to pull attention and activity to the middle of the park, which extends under a trellis next to Building B. The buildings will frame the usable open space of the park and ensure that there will be activity. The northern and southern facades of the buildings will have significant corner elements and will be elevations with significant architectural emphasis. These are the portions of the building that will be most visible from the open spaces in the park and at a distance from surrounding blocks. The sides of the building will be secondary elevations with less prominence and detail. There is an exception for the side of Building B that will abut an open space with a trellis over it; which will be designed as a primary elevation. Loading will occur from the street to the sides of the buildings. The buildings will have similar orientation and massing; however, Building A will be slightly taller than Building B and they will have different roof types to have some variety in the buildings.

J. Signage

The retail signage will be located along the first floor where the retail storefronts exist. Staff will review and approve retail signage based on the Assembly Row Storefront and Signage Design Standards. Plans that are inconsistent with the Standards will require review from the Design Review Committee and approval from the Planning Board.

K. Waivers & Other Relief Requests

Waivers are sought (S.Z.O. §6.4.12 & 16.5.5) from providing a 3D model (§6.4.8), shadow analysis, loading bay size requirements (§9.16 & 9.7), required façade recesses and percentage glazing (§6.4.7.B.2.h & §6.4.7.B.2.i).

A perspective drawing of the massing of the buildings has been provided to give a 3D understanding of the massing of the building; however, the Applicant did not provide a model showing the details of the building.

The proposed Buildings A and B are located between two future buildings on Blocks 7 and 8. Buildings A and B are two-story construction as compared to buildings at Blocks 7 and 8 that will be at least ten stories. The Applicant stated that any shadows cast by buildings A and B will be subsumed and/or less impactful than the study that will be included in the future Block 7 and Block 8 submissions.

The loading area requirement is 12 by 20 feet and the proposed area is in 7 by 20 feet. It is proposed to be in line with the 7 foot wide parallel street parking spaces.



The SZO requires the following, “[no...uninterrupted or unfenestrated length of its façade exceeding 35 horizontal feet. Facades greater than 100 feet in length, measured horizontally, shall incorporate wall plane projections or recesses having a depth of at least 3% of the length of the façade and extending at least 20% of the length of the façade.” A waiver is requested for relief for the façade recesses. Due to the narrow width of the parcel and the limited room for Building A, recesses of 4 feet (3% of overall length) are not feasible. The building design does incorporate recesses in the façade, just not as deep as what is required. The buildings do not have any uninterrupted or unfenestrated length of façade exceeding 35 feet.

The SZO requires the buildings to, “[h]ave windows providing visual access to the interior space, arcades, display windows, entry areas, awnings, or other such features no less than 70% of their horizontal length on all ground floor facades that face public ways or the Mystic River. 40% of this activated façade area on the Ground Floor of Building walls along primary and secondary streets shall consist of windows or doors meant for public entry and exit.” A waiver is requested for relief for the Assembly Line Park project for the amount of glazing on the facades. Due to the narrow site and the fact that the buildings face three roadways, the maximization of glazing on the facades provides real transparency through the buildings to all public spaces, walkways and streets. While the Massachusetts Energy Code limits total glass area to a maximum of 40% of wall area, the facades have been designed to maximize the distribution of glass to all sides of each building with maximum amounts of glazing opening onto public gathering spaces and pedestrian walkways. Because the buildings face three streets on a narrow site, the amount of glazing has been balanced to maximize glazing where the exterior walls face onto pedestrian spaces.

FINDINGS FOR SPECIAL PERMIT WITH SITE PLAN REVIEW-A:

A. General Application Requirements

Application requirements are identified in Section 16.8 of the SZO. Section 16.8.2 and 16.8.3 identifies the general information required for a preliminary PUD PMP approval and final level approval. Section 16.8.2.H and 16.8.3 identifies that the Special Permit with Site Plan Review requirements in Section 5.2 are required for both phases of approval. Staff finds the SPSR-A meets the application submittal requirements in the above listed sections. Detailed findings are contained in Appendix A.

B. Required Findings of Fact for PUD

Section 16.10.1 of the SZO indicates that PUD preliminary master plan approval shall be considered preliminary approval that recognizes that the plan is in general accordance with provisions of the Somerville Zoning Ordinance (SZO). Findings are then required under 16.1, 6.4.1, 6.4.3, 16.4, and 16.7 of the SZO. The ASMD further requires findings to meet development standards and design guidelines under 6.4.7 and 6.4.8. The Planning Board determined that the PMP met the required findings for a PUD PMP, but indicated that some issues would require further review at the SPSR-A submittal. The Staff has reviewed these required findings as they relate to the SPSR-A application and find that they have now all been met. Detailed findings are contained in Appendix B.

C. Requirements for SPSR (SZO §5.2.5)

The SZO requires that the PMP be reviewed to ensure that projects under the PMP can meet the standards required for SPSR-A in the ordinance. Section 6.4.9 requires that the requirements in Section 6.4.9C as well as parts a-h of Section 5.2.5 must be addressed when SPSR-A requests are submitted. The Staff finds that projects submitted for SPSR-A under this PMP meets the findings required as identified in Appendix C.

D. Waiver Standards

Upon written request by the applicant, the SPGA may waive submission of any of the required information for Special Permit with Site Plan Review applications, if the SPGA finds the information is not applicable to the project, per Section 5.2.3, 6.4.12 & 16.5.5. The Board finds that the requested waivers from providing a 3D model, shadow



analysis, loading bay size requirements, required façade recesses and percentage glazing are justified. The Staff finds that projects submitted for SPSR-A under this PMP meets the findings required as identified in Appendix D.

VII. STAFF RECOMMENDATION

Based on the materials submitted by the Applicant and the attached findings, the Board finds that the application for Special Permit with Site Plan Review–A for final level approval of a planned unit development under the Preliminary Master Plan approved by the Planning Board on December 14, 2006 and as amended on August 5, 2010, June 19, 2014 and February 18, 2016 meets the goals of the City for this site, the purposes of the district, and the provisions and purposes of the Ordinance. Therefore, the Board recommends **CONDITIONAL APPROVAL** of the requested Special Permit with Site Plan Review-A.

Approval constitutes an approval of the site plans and building design for two 1-story buildings with mezzanine levels totaling approximately 8,058 square feet.

The Board recommends approval of the waivers for submission of a 3D model and a shadow analysis, loading bay size requirements, and required façade recesses and percentage glazing.

To mitigate any potential negative impacts and to provide the best project possible, the Board recommends attaching to the SPSR-A the CONDITIONS in Appendix E.

In order to complete this project, the attached PMP-PUD conditions in Appendix F need to be satisfied within the designated timeframe for compliance.

Appendix G addresses the PUD-PMP thresholds that will adjust as the Assembly Row project is built out.

Approval does not include the design of the storefronts or first floor retail signs, which are subject to the Assembly Row Signage and Storefront Standards. The storefront design and signage are subject to staff review to ensure that the design is consistent with the standards.

The recommendation is also based upon a technical analysis by the Board 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.

DECISION:

Present and sitting were Members Kevin Prior, Joseph Favaloro, Michael Capuano, Dorothy Kelly Gay and Rebecca Lyn Cooper. Upon making the above findings, Kevin Prior made a motion to approve the request for a Special Permit with Site Plan Review-A. Michael Capuano seconded the motion. Wherefore the Planning Board voted **5-0** to **APPROVE** the request. In addition the following conditions were attached:



Attest, by the Planning Board:



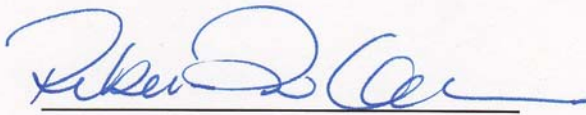
Kevin Prior, Chairman



Joseph Favaloro



Michael A. Capuano, Esq.


Dorothy A. Kelly Gay

Rebecca Lyn Cooper

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 _____

