



CITY OF SOMERVILLE, MASSACHUSETTS
MAYOR'S OFFICE OF STRATEGIC PLANNING & COMMUNITY DEVELOPMENT
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Case #: PB 2019-18
Site: 28-44 Broadway
Date of Decision: November 21, 2019
Decision: *Approved with Conditions*
Date Filed with City Clerk: November 22, 2019

PLANNING BOARD DECISION

Applicant Name: Lower Broadway Development, LLC
Applicant Address: 100 Winchester Street, Medford, MA 02155
(44 Broadway) **Property Owner Name :** Lower Broadway Development, LLC
(44 Broadway) **Property Owner Address:** 100 Winchester Street, Medford, MA 02155
(28 Broadway) **Property Owner Name :** Fred Boulter
(28 Broadway) **Property Owner Address:** 87 Bubier Road, Marblehead, MA 01945
Agent Name: Sean T. O'Donovan, Esq.
Agent Address: 741 Broadway, Somerville, MA 02144

Legal Notice: Applicant, Lower Broadway Development, LLC, and Owners, Lower Broadway Development, LLC and Fred Boulter, seek a special permit with site plan review (SPSR) under SZO §6.5.D to demolish the existing buildings on the site and construct a five-story mixed use building with 10,463 square feet of ground floor commercial space and 38 residential units. The proposal also requires a special permit under SZO §9.13 for parking relief. TOD-55 Zone. Ward 1.

Zoning District/Ward: TOD-55/Ward 1
Zoning Approval Sought: SPSR §6.5.D and §9.13
Date of Application: July 10, 2019
Date(s) of Public Hearing: October 3, 2019, October 17, 2019, November 7, 2019, November 21, 2019
Date of Decision: November 21, 2019
Vote: 4-0



Appeal #PB 2019-18 was opened before the Planning Board at Somerville City Hall on October 3, 2019. 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 four hearings of deliberation, the Planning Board took a vote.

DESCRIPTION:

The site includes two parcels that total 19,197 square feet of land area with four commercial structures on it. The buildings include the following:

- 28 Broadway, a one-story brick building, vacant building supply store
- 30 Broadway, one-story concrete building, liquor store
- 38 Broadway, one-story concrete building, storage and warehousing
- 44 Broadway, one-story wood frame/concrete building, eating and drinking establishment

The subject property takes up one whole block between Mount Vernon Street and George Street.

FINDINGS FOR SPECIAL PERMIT with SITE PLAN REVIEW (SZO §6.5 and §9.13):

In order to grant a special permit with site plan review, the SPGA must make certain findings and determinations as outlined in §5.2.5 of the SZO. This section of the report goes through §5.2.5 in detail.

1. Information Supplied:

The Board finds that the information provided by the Applicant conforms to the requirements of §5.2.3 of the SZO and allows for a comprehensive analysis of the project.

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 with site plan review.”*

The Board finds this proposal compliant with the standards.

Under SZO §6.5.D.1, if some uses in new development are by-right and some are allowed by Special Permit, the entire development shall be subject to Special Permit with Site Plan Review (SPSR) review. Since the residential use requires a special permit, the entire development requires SPSR review. The residential use falls under Use Cluster E, §7.13.E, Residential, and any number of residential units requires a special permit.

Dimensional Requirements

Requirements	TOD-55	Proposal
Min Lot Size	15,000 sf	19,197 sf
Min Lot Area/Dwelling Unit	600 sf reduced to 495 sf with inclusionary bonus*	505 sf
Max Ground Coverage	80%	75.1%
Min Landscaped Area % of lot	10%	10%
Floor Area Ratio (based on gsf)	3 maximum	3.0
Max Height	55'	55'
Min Front Yard	0'	2'
Min Side Yard (Left)	0'	3'
Min Side Yard (Right)	0'	15'



Min Rear Yard	0'	varies
Min Frontage	50'	224.4'

* Section 13.3.4 of the SZO states that for projects of 18 or more units in all zoning districts other than RA and RB zones, which contain all inclusionary units on site, additional housing units may be permitted by adjusting the permitted lot area per dwelling unit by reducing the requirements by 17.5%, which translates into a 105 sf reduction.

Affordable Housing

Projects of 18 units or more are subject to a 20% inclusionary housing requirement. For the proposed project, this translates into the creation of 7 permanently affordable units and a fractional payment of 0.6. The 7 affordable units will be made available to households in accordance with the City’s inclusionary housing ordinance.

Parking & Loading Requirements

The Applicant is seeking a Special Permit under SZO §9.13 for the number of required parking spaces.

<i>Requirement</i>		<i>Proposed</i>
Residential bike pkg.	1 per every 2 units = 19	39
Med. Retail and service bike pkg.	1 per every 5,000 sf = 3	5
Residential car pkg.	1 per unit = 38	30
Med. Retail and service car pkg.	1 per every 1,000 sf = 11	0

The proposal requires 22 bicycle parking spaces and 44 are provided indoors within the garage. The proposal requires 49 car parking spaces and the proposal provides 30 within the garage. Relief is being requires from provided 19 additional car parking spaces.

In considering a special permit under §9.13 of the SZO “the SPGA may grant such a special permit only when consistent with the purposes set forth in Section 9.1, and upon reaching the findings and determinations set forth in Section 5.1.4”. Given the proximity to Orange Line Station at Sullivan Square, the Board finds that granting the requested Special Permit is consistent with the purposes of SZO §9.1 and will not cause detriment to increased traffic volumes, traffic congestion of queuing of vehicles, changes in the type of traffic, change in traffic patterns and access to the site, reduction in on-street parking, or unsafe conflicts of motor vehicles and pedestrian traffic.

6.5.G TOD. All new developments shall meet the following standards:

1. Transportation Analysis. Applicants shall provide a Transportation Study and a Transportation Demand Management (TDM) Plan tailored to the proposed site and mix of Use Clusters. The scope of the document will be prepared in consultation with the Director of Traffic and Parking and may include a project description and a description of the existing conditions of the transportation network in the vicinity of the Development Site. The following items may be required as part of a Transportation Study:
 - Counts of existing traffic volumes.
 - Projected traffic volumes for the proposed Development based on accepted engineering standards and adapted to local conditions.
 - Projected size of delivery vehicles, and frequency and days/hours of delivery.



- Reviews of accident history trends in the vicinity of the Development Site.
- Analyses of the Development impacts on the transportation network in the vicinity of the Development Site.
- Examination of transportation by all feasible modes, including automobile, transit, bicycle and pedestrian.
- Explanation of consistency with City transportation plans.

See the OSPCD’s Mobility Division opinion below.

2. *Incentives for Green Building.*

N/A

3. *Credit for Provision of Land for Public Infrastructure.*

N/A

4. *Credit and Height Bonus for Provision of Dedicated Parkland.*

N/A

5. *Transition to Abutting Residential District.* No minimum side or rear yard setback is required for parcels that immediately adjoin a lot in a residential district (RA, RB, or RC) where a solid masonry wall is to be built on the property line. Where a masonry wall is not proposed, the minimum side or rear yard setback is twenty (20) feet, with the setback to consist exclusively of vegetative landscaping. However, no building or portion of building within forty (40) feet of a lot in a residential district (RA, RB, or RC) shall be higher than twenty-four (24) feet.

The Board finds that the proposal meets this standard and requested the Applicant draw a diagram to indicate such.

6. *Upper Level Open Space.*

N/A

7. *Wind and Shadow Effects.* Buildings shall be designed to minimize shadow and wind impacts to open space and residential areas especially between 10:00 a.m. and 2:00 p.m. in the winter. Wind and shadow effects shall be demonstrated in technical studies.

The Board finds that the proposed shadow effects anticipated on the Broadway right of way and the industrial property across the street during the winter to be minimal. The impacts will be less significant during the spring and fall seasons and even less significant during the summer months.

8. *Landscaping and Usable Open Space Requirements.* Developments shall conform to the applicable landscaping requirements set forth in Table 6.5.F, Article 10 and Article 17. Open spaces shall be contiguous to the extent practical in the opinion of the SPGA; however, in certain circumstances it may be preferable to provide Usable Open Space in unique locations,



such as atria, winter gardens, and accessible roof decks or gardens. Hours of operation, signage, entrance location, and ADA compliance shall be taken into account when considering whether atria, winter gardens, and roof decks or upper level gardens truly will be accessible to the general public. Landscaping strips required in parking areas (per Article 10) shall not apply to Usable Open Space calculations.

The Board finds that the proposal complies with the minimum landscaping area requirements. The proposal also includes rooftop terraces and gardens.

9. *Payment in Lieu of Open Space.*

N/A

10. *Pedestrian Connections.* Continuous pedestrian connections shall be supported between all major points of pedestrian activity on the Development Site, including, but not limited to, connections to all public and private ways abutting the Development Site and any transit stops. Development(s) shall support improved access to surrounding neighborhoods by means of sidewalk connections, crosswalks, landscaping, traffic signalization and traffic calming methods as appropriate.

The Board is recommended treating the intersection of Broadway/Lombardi with a scored pavement to tighten the run radius for vehicles, which will slow vehicles down and enhance pedestrian safety.

11. *Pedestrian Oriented Requirements.* To promote pedestrian activity, buildings shall be designed with separate front entrance doors to lobbies, cultural spaces, retail and business, and other sources of pedestrian activity. These entrances shall be oriented to existing or proposed public sidewalks, paths, and other open space (as opposed to a central "mall" entrance).

The Board finds that the proposal meets this standard. The residential lobby will be Mount Vernon Street and the commercial ground floor is going to be designed to accommodate multiple entrances as commercial tenant(s) are selected. The entrances will be oriented to the Broadway sidewalk.

12. *Parking Design.* Refer to Section 9.17 for parking requirements. Parking and loading areas shall be hidden from view from public ways. Parking shall not face the street edge(s) of the parcel and shall be suitably screened both visually and acoustically from the street and abutters (sufficient to conform to the City's Noise Ordinance during operation). Parking structures shall contribute to, and not obstruct, pedestrian activity in the vicinity. The exterior facade shall maintain a horizontal line throughout; the sloping interior necessary in parking structures shall not be repeated on the exterior facade. A wall or other screening of sufficient height and depth to screen parked vehicles and visually pleasing character shall be provided. Any views into parking structures shall be minimized through use of landscaping or architectural treatment.

The Board finds that the proposal includes an underground parking garage and bicycle storage room that will be accessed off of George Street.

- 13. *Parking Optimization Plan.* Applications shall include a Parking Optimization Plan illustrating how management and pricing strategies will encourage shared use and reasonable turnover of parking spaces, and discourage structures' use as "Park and Ride" facilities.

The Board has conditioned that the Applicant/Owner continues coordinating with the Mobility Division on a satisfactory Mobility Management Plan.

- 14. *Service Areas and Loading Spaces.* Ground level mechanical equipment, utility and trash enclosures, loading docks and other utilitarian and service elements shall not be about the street edge(s) of the parcel and shall be visually and acoustically screened (sufficient to conform to the City's Noise Ordinance during operation). Access to these areas shall not interrupt pedestrian and sidewalk treatments. The SPGA may limit the hours of delivery so as to minimize any adverse impacts the service and loading aspects of proposed use may have on the surrounding neighborhood. Generally, loading times should take local traffic patterns into consideration.

The proposal includes an underground parking garage that will include a trash and recycling area that will be accessed via George Street.

- 15. *Lighting.* Lighting shall be appropriate to the historic and pedestrian-oriented character of surrounding neighborhoods and buildings and shall enhance safety and security while minimizing glare and light trespass.

- 16. *Properties Adjoining Railroad Rights-of-Way.*

N/A

- 17. *Penthouses and Mechanical Equipment.* All elevator and stairwell penthouses, roof-mounted mechanical equipment (including enclosure, if any) and other similar rooftop installations shall be set back behind a plane inclined at forty-five (45) degrees from the vertical, beginning at the maximum height of the building, along all street lines and rear lot line and shall be screened pursuant to the screening provisions in Section 14.3. Ventilation for restaurants and other businesses producing odors should vent away from residential districts. Equipment shall be designated to comply [with] the City's Noise Ordinance during operation. The first fifteen (15) feet in height of such equipment shall be exempt from the calculation of maximum height; if such equipment is greater than fifteen (15) feet in height, the additional height shall count toward the building's height.

The Board finds that the proposal meets this standard.

- 18. *Reduction of Minimum Lot Area.*

N/A

- 3. Purpose of District: *The Applicant has to ensure that the project "is consistent with the intent of the specific zoning district as specified in Article 6".*



The Board finds that the proposal is consistent with the purpose of the district, which is, “to encourage mixed-use transit-oriented development with well-designed pedestrian access near transit connections and commercial squares. In response to different neighborhood contexts, TODs have been created featuring various heights, densities, and compatible use mixes. In order to be aesthetically, economically, environmentally and socially beneficial, projects in the Districts shall promote a mix of uses both within buildings and across the districts. Moderate to high-density developments will include commercial, residential, and institutional cores complemented by pedestrian-oriented retail and business services, and in some districts, compatible industrial uses. Parking, where provided, will be housed within structured parking facilities. In a dynamic commercial center, changes in tenancy and use are expected. Therefore, the TODs are designed to be responsive to changing market conditions while maintaining high standards for building design and construction. As such, development review in these Districts is concerned foremost with appropriateness of building design and broad categories of uses. The major purposes are to:

1. Facilitate development of a mix of uses that contributes to a vibrant business environment and increases street-level activity;
2. Increase real estate investment and strengthen local tax base through intensive commercial development in higher density TOD districts;
3. Create new jobs at a variety of income and skill levels;
4. Redevelop vacant or underutilized land with appropriately dense development;
5. Replace incompatible and environmentally unsound uses with compatible mixed-use development;
6. Increase the supply of affordable housing units within the City of Somerville; and,
7. Encourage sustainable development and the use of green building standards..

The TOD is divided into sub-districts, which are distinguished by their respective height and density regulations. The purpose of the lower-density TOD-55 sub-district allows for mixed-use development opportunities in close proximity to existing lower-density residential neighborhoods. Where mapped in commercial squares, development is anticipated to be a mix of commercial and residential uses. Where mapped on local streets, development is anticipated to be predominantly residential in nature.

4. Site and Area Compatibility: *The Applicant has to ensure that the project “(i)s designed in a manner that is compatible with the existing natural features of the site and is compatible with the characteristics of the surrounding area, and that the scale, massing and detailing of the buildings are compatible with those prevalent in the surrounding area”.*

The Board finds that the proposal meets the finding of site and area compatibility.

Surrounding Neighborhood: The subject property takes up an entire block on East Broadway between George Street and Mount Vernon Street. The adjacent block toward Sullivan Square include two, three, four, and five story mixed used buildings.

Impacts of Proposal (Design and Compatibility): 6.5.H. Design Guidelines for the TODs. These guidelines are not intended to inhibit design creativity or discourage innovative architectural design solutions. Rather, they provide general standards for building massing, siting and articulation. It is understood that Buildings and Structures may not be able to comply with all of the following Guidelines.

1. Building(s) should complete the streetwall along the primary street edge(s).

The proposed building completes the streetwall along Broadway, George Street, and Mount Vernon



Street.

2. Massing and height of buildings should be articulated in a manner compatible with the physical character of the surrounding districts, particularly where a building abuts a residential or historically designated property. Whenever possible, historical variety in the scale, rhythm, and relationship of buildings to pedestrian public ways should be preserved.

The massing and height of the building is articulated in a manner compatible with the physical character of the surrounding districts. Where it abuts the residential district, the building is stepped back.

3. A transition in height should be established where new development adjoins low-rise residential districts or historically designated properties.

See above

4. Thirty-foot-wide commercial bays with independent entrances onto the street are typical in Somerville and should be repeated in new developments to create visual and pedestrian interest. Varied architecture should be created and flat facades avoided by using recessed or projected entryways, bays, canopies, awnings, residential balconies on 2nd floor or above, and other architectural elements. Non-residential ground floor façades should have a minimum seventy-five (75) percent transparent material, and second floor facades should have a minimum of forty (40) percent transparent material. These openings should provide views into the building and should not be blocked by interior storage, nonartistic displays, or greater than thirty (30) percent internally mounted signage.

The proposed building provides bays of varying widths along Broadway and uses recessed and projected entrances to provide visual and pedestrian interest. The retail ground floor includes a transparent storefront system.

5. Exterior building materials for all visible portions of the building should be high quality, durable, and aesthetically appropriate. Particular attention should be paid where properties abut residential districts and historically designated property. Predominant exterior building materials should include an appropriate combination of brick, glass, wood, artistically used metal, stone, or stucco. Precast concrete panels, EIFS-type finishes, and large expanses of glass or corrugated sheet metal are generally discouraged. Bare or painted concrete as the only exterior facade material shall not be allowed.

The proposed exterior materials include a charcoal brick (will be conditioned to be full depth brick), metal panels, fiber cement panels, aluminum panels, and masonry.

6. Visible rear and side façades should maintain a similar character to the front façade of the building and the intended character of the surrounding district.

The building maintains a similar character on all sides.

7. Signage and awning design should respect buildings' context (e.g., scale, design, style, colors, materials), be oriented to pedestrians, and be subordinate to the overall building composition. Creative shapes must be carefully designed and coordinated with the overall appearance of the



building. The design should also maintain an existing "signage line" and respect the character, scale, and locations of adjacent signs and awnings. Large, interior-lit or back-lit signs or awnings, neon "open" signs, vinyl or plastic materials and overly bright colors are generally discouraged. To add interest and character to the retail environment signs or awnings may convey interesting elements or logos without excessive wording. They should be limited to advertising the business name and its main goods or services, with minimal or no national brand names or logos. Type styles should enhance readability of the sign and provide information simply and legibly. Use awnings to create pleasant shaded spaces in front of a building. Signs and awnings should enhance important architectural details and not conceal or obliterate them.

The residential entrance on Mount Vernon Street will have an entry canopy and signage. Ground floor tenants are yet to be determined. The signage for the proposed tenants shall follow the zoning requirements and be subject to Planning Staff review and approval.

8. Major entrances should be located on public streets, and at or near corners wherever possible. Entrances should relate well to crosswalks and pathways that lead to bus stops and transit stations.

The orientation of the entrance on Mount Vernon Street is to provide retail flexibility and to be located closer to the Sullivan Square entrance.

9. Buildings should have a clearly expressed base, middle, and top. This may be achieved through changes in material, fenestration, architectural detailing, or other elements. Taller buildings should be articulated to avoid a monolithic appearance.

The building achieves this tripartite design guideline.

10. The façade below the Tapering Height should exhibit human scale through design elements such as changes in plane, and variety or contrast in form, color, and materials. Architectural elements and setbacks should be used to break up long façades and avoid large areas of undifferentiated or blank building façades.

The proposal contains elements that change in plane and contrast in form, color, and materials.

11. Building elements located above the Tapering Height should be designed to limit impacts from visual massing, obstruction of views, and creation of shadows on public open space, residential districts or public ways. Where practicable, the width and depth of these elements should be limited to one hundred twenty (120) feet and where more than one element exists a minimum separation of fifty (50) feet is encouraged, although other means may be more appropriate on odd-shaped lots or lots adjoining highways or railroad rights-of-way.

The proposal will not cast shadows on public open space, residential districts, or public ways.

12. All rooftop-building systems, including wireless communications facilities, should be incorporated into the building form in a manner integral to the building architecture, including screening with materials that harmonize with buildings' exterior finishes.

The proposal will meet this guideline.

13. Individual Artist Live/Work Spaces should be designed as closely as possible in accordance with



the "Design Guidelines for Artist Housing" produced by the Somerville Arts Council.

N/A

14. A sidewalk depth of at least fifteen (15) feet from the street curb to building is strongly encouraged for developments fronting major streets.

The sidewalk along Broadway will include a 7'-8" walkway zone and 6'-6" furnishing zone.

15. On-site, off-street parking should be accessed from either a side street or an alley. Where this is not possible, vehicular access should be provided through an opening, no wider than twenty-five (25) feet in the street level façade of the building. Such entrances should be designed to minimize conflict with pedestrians.

Parking will be accessed from George Street through a 20-foot wide opening.

16. Above ground structured parking should be lined with active uses (shops, cafes, etc.) along major public streets. Upper levels and facades along smaller public streets shall be screened and include architectural design elements such as windows, bays, etc. such that the space's use for parking is not immediately apparent. Large horizontal openings are strongly discouraged. Direct pedestrian access to the street and/or to a public area should be provided by all garages serving non-residential uses.

N/A

17. Usable Open Space should be located to support public gathering. To the extent possible, usable open space should be designed to appear as an extension of existing public space, through consistency in design and materials. The provision of an interconnected series of open space to support pedestrian movement is encouraged.

The at-grade open space is in the rear of the building and is intended for residents of the building to use as a dog run. The proposal also includes outdoor patio areas adjacent to the Mount Vernon Street and George Street sidewalks for the retail tenants to have a public outdoor space.

18. Installation of public art is encouraged in order to add visual interest and distinguishing features to landscaped or other public areas.

The Applicant is considering commissioning local artists for mural paintings on portions of the building.

19. Properties abutting the MBTA right-of-way are strongly encouraged to place pedestrian unfriendly uses such as parking, loading, and trash collection along the right-of-way. However, given that the MBTA right-of-way represents a gateway into the City, these facilities shall be screened and the architectural design of façades facing the right-of-way shall be of equal or better quality to façades elsewhere in the building.

N/A

20. Utilities and wiring shall be placed below ground. Transformers and trash facilities may also be



required to be located underground.

Conditions for such are included.

5. Functional Design: *The project must meet “accepted standards and criteria for the functional design of facilities, structures, and site construction.”*

The Board finds that the project meets “accepted standards and criteria for the functional design of facilities, structures, and site construction.” The Applicant also revised the design of the elevation in response to comments of the Design Review Committee.

6. Impact on Public Systems: *The project will “not create adverse impacts on the public services and facilities serving the development, such as the sanitary sewer system, the storm drainage system, the public water supply, the recreational system, the street system for vehicular traffic, and the sidewalks and footpaths for pedestrian traffic.”*

The Board finds that the addition of 38 residential units will have an impact to the sanitary sewer and public water supply but will not unduly burden those systems. The proposal will trigger an inflow/infiltration payment be made to the Department of Public Works (DPW) to mitigate those impacts.

7. 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.”*

The Board finds that the proposed uses will not constitute an adverse impact on the surrounding area resulting from excessive noise, glare, dust, smoke, or vibration. The level of illumination will be conditioned to be sensitive to the adjacent property owners, especially residential. There will be no emission of noxious or hazardous materials or substances, or pollution of water ways or ground water.

8. Consistency with Purposes: *“Is consistent with: 1) the purposes of this Ordinance, particularly those set forth in Article 1 and Article 5; and 2) the purposes, provisions, and specific objectives applicable to the requested special permit with site plan review which may be set forth elsewhere in this Ordinance, such as, but not limited to, those at the beginning of the various sections.”*

The Board finds that the proposal is consistent with the general purposes of the Ordinance as set forth under §1.2, which includes, but is not limited to promote the health, safety, and welfare of the inhabitants of the City of Somerville; to provide for and maintain the uniquely integrated structure of uses in the City; to lessen congestion in the streets; to protect health; to secure safety from fire, panic and other dangers; to prevent the overcrowding of land; to avoid undue concentration of population; to facilitate the adequate provision of transportation, water, sewerage, schools, parks and other public requirements; to conserve the value of land and buildings; to encourage the most appropriate use of land throughout the City; to protect and promote a housing stock that can accommodate the diverse household sizes and life stages of Somerville residents at all income levels, paying particular attention to providing housing affordable to



individuals and families with low and moderate incomes; and to preserve and increase the amenities of the municipality.

9. Preservation of Landform and Open Space: *The Applicant has to ensure that “the existing land form is preserved in its natural state, insofar as practicable, by minimizing grading and the erosion or stripping of steep slopes, and by maintaining man-made features that enhance the land form, such as stone walls, with minimal alteration or disruption. In addition, all open spaces should be designed and planted to enhance the attractiveness of the neighborhood. Whenever possible, the development parcel should be laid out so that some of the landscaped areas are visible to the neighborhood.”*

There are no landforms or significant vegetation due to the location in an existing urban area.

10. Relation of Buildings to Environment: *The Applicant must ensure that “buildings are: 1) located harmoniously with the land form, vegetation and other natural features of the site; 2) compatible in scale, design and use with those buildings and designs which are visually related to the development site; 3) effectively located for solar and wind orientation for energy conservation; and 4) advantageously located for views from the building while minimizing the intrusion on views from other buildings.”*

There are no landforms or significant vegetation due to the location in an existing urban area. The proposed structure is compatible to those that are expected to be built in a transit-oriented urban neighborhood.

11. Stormwater Drainage: *The Applicant must demonstrate that “special attention has been given to proper site surface drainage so that removal of surface waters will not adversely affect neighboring properties or the public storm drainage system. Storm water shall be removed from all roofs, canopies, and paved area, and routed through a well-engineered system designed with appropriate storm water management techniques. Skimming devices, oil, and grease traps, and similar facilities at the collection or discharge points for paved surface runoff should be used, to retain oils, greases, and particles. Surface water on all paved areas shall be collected and/or routed so that it will not obstruct the flow of vehicular or pedestrian traffic and will not create puddles in the paved area. In larger developments, where practical, the routing of runoff through sheet flow, swales or other means increasing filtration and percolation is strongly encouraged, as is use of retention or detention ponds. In instances of below grade parking (such as garages) or low lying areas prone to flooding, installation of pumps or other devices to prevent backflow through drains or catch basins may be required.”*

The Board finds that stormwater shall be removed from all roofs and any paved areas shall be collected and/or routed so that it will not obstruct the flow of vehicular or pedestrian traffic and will not create puddles in public areas.

12. Historic or Architectural Significance: *The project must be designed “with respect to Somerville’s heritage, any action detrimental to historic structures and their architectural elements shall be discouraged insofar as is practicable, whether those structures exist on the development parcel or on adjacent properties. If there is any removal, substantial alteration or other action detrimental to buildings of historic or architectural significance, these should be minimized and new uses or the erection of new buildings should be compatible with the buildings or places of historic or architectural significance on the development parcel or on adjacent properties.”*



There is no historical significance to the existing structures.

13. Enhancement of Appearance: *The Applicant must demonstrate that “the natural character and appearance of the City is enhanced. Awareness of the existence of a development, particularly a non residential development or a higher density residential development, should be minimized by screening views of the development from nearby streets, residential neighborhoods of City property by the effective use of existing land forms, or alteration thereto, such as berms, and by existing vegetation or supplemental planting.”*

The Board finds that the redevelopment of the site to include a mixed-use multi-story building will be a significant improvement to the City over the existing one-story industrial buildings.

14. Lighting: *With respect to lighting, the Applicant must ensure that “all exterior spaces and interior public and semi-public spaces shall be adequately lit and designed as much as possible to allow for surveillance by neighbors and passersby.”*

The Board finds that all exterior spaces and interior public and semi-public spaces shall be adequately lit and designed as much as possible to allow for surveillance by neighbors and passersby. However, all lighting will be conditioned to be constrained to the site.

15. Emergency Access: *The Applicant must ensure that “there is easy access to buildings, and the grounds adjoining them, for operations by fire, police, medical and other emergency personnel and equipment.”*

The Board finds that the proposed building occupies an entire city block and will have access on three sides.

16. Location of Access: *The Applicant must ensure that “the location of intersections of access drives with the City arterial or collector streets minimizes traffic congestion.”*

The Board has conditioned that the Applicant continue working with the OSPCD Mobility Division.

17. Utility Service: *The Applicant must ensure that “electric, telephone, cable TV and other such lines and equipment are placed underground from the source or connection, or are effectively screened from public view.”*

The Board finds that all the utility rooms are located on the first floor and in the garage. Utilities connections to the new building will be placed underground. Should a transformer be required to supply power to the building, the Applicant is hoping to vault it underground on George Street. Should the utility company change the location or require it above ground, the proposal considers integrating its screening into the design of the building and site. A condition will be recommended that the location should be reviewed by Planning Staff prior to Building Permit.

18. Prevention of Adverse Impacts: *The Applicant must demonstrate that “provisions have been made to prevent or minimize any detrimental effect on adjoining premises, and the general neighborhood, including, (1) minimizing any adverse impact from new hard surface ground cover, or machinery which emits heat, vapor, light or fumes; and (2) preventing adverse impacts to light, air and noise, wind and*



temperature levels in the immediate vicinity of the proposed development.;”

The Board finds that the design has been to accommodate the concerns of the Design Review Committee and neighbors to the greatest extent possible.

19. Signage: *The Applicant must ensure that “the size, location, design, color, texture, lighting and materials of all permanent signs and outdoor advertising structures or features shall reflect the scale and character of the proposed buildings.”*

The Board has conditioned that signage will be mounted within the sign band at the ground floor storefront on Broadway and limited to lettering only above the residential entrance. Any additional signage may need to apply for a Special Permit.

20. Screening of Service Facilities: *The Applicant must ensure that “exposed transformers and other machinery, storage, service and truck loading areas, dumpsters, utility buildings, and similar structures shall be effectively screened by plantings or other screening methods so that they are not directly visible from either the proposed development or the surrounding properties.”*

The Board finds that the trash rooms are located within the building and trash cans will be rolled out to the street for pickup. There is minimal loading anticipated for the retail and the residences.

21. Screening of Parking: Parking will be underground.

21. Housing Impact: *Will not create adverse impacts on the stock of existing affordable housing.*

This project improves the supply of affordable unit and will, therefore, have no adverse impacts. Per Table 13.3.4.A, the total of 38 units require 20% inclusionary which means that 7 new units will be provided plus a cash payment 0.6 units per Section 13.4.

22. SomerVision Plan: *Complies with the applicable goals, policies and actions of the SomerVision plan, including the following, as appropriate: Preserve and enhance the character of Somerville’s neighborhoods, transform key opportunity areas, preserve and expand an integrated, balanced mix of safe, affordable and environmentally sound rental and homeownership units for households of all sizes and types from diverse social and economic groups; and, make Somerville a regional employment center with a mix of diverse and high-quality jobs.*

<u>SomerVision Summary</u>	<u>Existing</u>	<u>Proposed</u>
<u>Dwelling Units:</u>	0	39
<u>Affordable Units:</u>	0	7.6
<u>Commercial Sq. Ft.:</u>	10,100	10,463
<u>Estimated Employment:</u>	unknown	unknown
<u>Parking Spaces:</u>	11	30

23. Impact on Affordable Housing: *In conjunction with its decision to grant or deny a special permit for a structure of four or more units of housing, the SPGA shall make a finding and determination as to how implementation of the project would increase, decrease, or leave unchanged the number of units of*



rental and home ownership housing that are affordable to households with low or moderate incomes, as defined by HUD, for different sized households and units.

The Board finds that all measures taken to provide for, protect, or increase the affordability of housing units within the proposed structure; the degree of such affordability to households of low or moderate income, as defined by HUD; and the duration of legal assurances of such affordability will be determined through the AHIP process (as conditioned below).

DECISION:

Present and sitting were Members Michael Capuano, Dorothy Kelly Gay, Amelia Aboff, and Gerard Amaral. Joseph Favaloro recused himself. Upon making the above findings, Michael Capuano made a motion to approve the request for a Special Permit. Amelia Aboff seconded the motion. Wherefore the Planning Board voted **4-0** to **APPROVE** the request. In addition the following conditions were attached:

#	Condition	Timeframe for Compliance	Verified (initial)	Notes						
1	Approval is for the construction of a 38-unit mixed use building. This approval is based upon the following application materials and the plans submitted by the Applicant:	CO / BP	ISD/PIng.							
	<table border="1"> <thead> <tr> <th>Date (Stamp Date)</th> <th>Submission</th> </tr> </thead> <tbody> <tr> <td>July 10, 2019</td> <td>Initial application submitted to the City Clerk's Office</td> </tr> <tr> <td>September 23, 2019</td> <td>Modified plans submitted to OSPCD (A0.0-A4.0)</td> </tr> </tbody> </table>				Date (Stamp Date)	Submission	July 10, 2019	Initial application submitted to the City Clerk's Office	September 23, 2019	Modified plans submitted to OSPCD (A0.0-A4.0)
	Date (Stamp Date)				Submission					
	July 10, 2019				Initial application submitted to the City Clerk's Office					
September 23, 2019	Modified plans submitted to OSPCD (A0.0-A4.0)									
Any changes to the approved site plan or elevations/use that are not <i>de minimis</i> must receive SPGA approval.										
Affordable Housing/Linkage										
2	Affordable Housing Implementation Plan (AHIP) should be approved by the OSPCD Housing Division and executed prior to issuance of Building Permit. Affordable units shall be provided on-site.	BP	Housing							
3	Written certification of the creation of affordable housing units, any fractional payment required, or alternative methods of compliance, must be obtained from the OSPCD Housing Division before the issuance of a Certificate of Occupancy (C.O.). No C.O. shall be issued until the OSPCD Housing Division has confirmed that the Affordable Housing Restriction has been approved and recorded and the developer has provided the promised affordable units on-site.	CO	Housing							



4	No Certificate of Occupancy shall be issued until the OSPCD Housing Division has confirmed that: (for Condominium Projects) the Condominium Documents have been approved and the Developer has agreed to a form of Deed Rider for the Affordable Unit(s), or (for Rental Projects) the Developer has agreed to and executed a Memorandum of Understanding for Monitoring of the Affordable Unit(s).	CO	Housing	
5	The OSPCD Housing Division shall determine which units shall be inclusionary and at what rate.	CO	Housing	
Pre-Construction				
6	The Applicant must contact the Engineering Department to obtain a street address prior to a building permit being issued.	BP	Eng	
7	The Applicant shall complete the Site Plan Review Checklist and supply the information to the Engineering Office. The plans must comply with the City's Stormwater Management Policy.	BP	Eng.	
8	The applicant must comply with the Policy for new connections to and modifications to existing connections to the municipal sewer and drainage system stormwater management and infiltration/inflow mitigation. The Applicant shall work with Engineering to meet this condition and provide the required fees/mitigation.	CO	Eng.	
9	The Applicant shall develop a demolition plan in consultation with the City of Somerville Inspectional Services Division. Full compliance with proper demolition procedures shall be required, including timely advance notification to abutters of demolition date and timing, good rodent control measures (i.e. rodent baiting), minimization of dust, noise, odor, and debris outfall, and sensitivity to existing landscaping on adjacent sites.	Demolition Permitting	ISD	
10	The Applicant must contact the Engineering Department to coordinate the timeline for cutting or opening the street and/or sidewalk for utility connections or other construction. There is a moratorium on opening streets from November 1st to April 1st and there is a list of streets that have additional opening restrictions.	BP	Eng	
11	The Applicant shall conduct a survey of foundations and buildings adjacent to the site and across the street prior to construction and shall address concerns about impact to these structures from project construction.			
12	The Applicant shall conduct a survey of the houses of the abutting property owners prior to excavation of the site, and document their findings. These findings shall be submitted to the Planning Department as public record. The Applicant then shall survey any damage to the abutting property owner's houses after excavation and reimburse the property owners for any damages.			
Construction Impacts				



13	The applicant shall post the name and phone number of the general contractor at the site entrance where it is visible to people passing by.	During Construction	Plng.	
14	The Applicant shall at his expense replace any existing equipment (including, but not limited to street sign poles, signs, traffic signal poles, traffic signal equipment, wheel chair ramps, granite curbing, etc) and the entire sidewalk immediately abutting the subject property if damaged as a result of construction activity. All new sidewalks and driveways must be constructed to DPW standard.	CO	DPW	
15	All construction materials and equipment must be stored onsite. If occupancy of the street layout is required, such occupancy must be in conformance with the requirements of the Manual on Uniform Traffic Control Devices and the prior approval of the Traffic and Parking Department must be obtained.	During Construction	T&P	
16	For the convenience of and respect for the neighborhood, during the construction phase, construction work shall not begin prior to 7:30am and shall finish no later than 5pm Monday through Friday. There shall be no construction or construction-related work performed on weekends or holidays.	During Construction	ISD	
Design				
17	Applicant shall provide final material samples for siding, trim, windows, doors, and site materials (to the Design Review Committee for review and comment and) to Planning Staff for review and approval prior to construction. Any brick used must be full-depth brick. The Applicant should consider alternatives to the wood resin panel.	BP	Plng.	
18	There may be no penetration of mechanical intake/exhaust on the Broadway façade, which the exception of louvers (or similar) for the commercial spaces.	CO	Plng.	
19	The Applicant must report back to the DRC when commercial tenant(s) are selected to have patio design reviewed.	CO for commercial tenants	Plng./ DRC	
20	The Applicant must report back to the DRC with a more detailed roof plan.	CO	Plng./ DRC	
Site				
21	Landscaping should be installed and maintained in compliance with the American Nurserymen's Association Standards;	Perpetual	Plng. / ISD	
22	The landscape plan should clearly identify what trees are existing and proposed. If any street trees are proposed to be removed the Applicant may need to go through a public hearing process to remove existing street trees. Coordination with the City Arborist required.	BP	Plng. and PSUF	
23	The tree on Broadway closet to the intersection with George Street should be preserved. The Applicant should take whatever measures are necessary to make sure it does not die during construction. Coordination with the City Arborist required.	Cont.	Plng. and PSUF	



24	The Applicant must work with City Arborist to assess the health of the street tree on George Street and do what is necessary to keep it. If not, plant one that City Arborist deems appropriate.	BP/CO	Plng. and PSUF	
25	The Applicant must work with City Arborist to plant three trees on Mt. Vernon Street.	CO	Plng. and PSUF	
26	The project must use red brick on the street edge and City standard black metal bike racks, trash cans, benches, etc. Also include short tree fencing around the street trees. Coordination with the Streetscape and Public Space Planner on final materials and location will be required.	CO	Plng. and PSUF	
27	The electric, telephone, cable TV and other such lines and equipment shall be placed underground from the source or connection. The utilities plan shall be supplied to the Wiring Inspector before installation.	Installation of Utilities	Wiring Inspector	
Traffic & Parking				
28	This property and all associated addresses are ineligible for Resident Parking Permits (RPP). Any property owner, lessee, renter, or tenant of the property and all associated addresses shall not apply for any Resident Parking Permits from the Somerville Parking Department.	BP	Traffic Commission/ISD/T &P	
29	The Property Owner shall inform future buyers, lessees, renters, or tenants that the property and all associated addresses are ineligible for Residential Parking Permits. Notification must be provided using the RPP Restriction Disclosure form.	Pre-marketing of units/Perpetual	ISD/T&P	
30	The Property Owner shall complete and file a RPP Restriction Acknowledgement form as an appendix to a certified copy of this Decision with the Middlesex County Registry of Deeds prior to the issuance of a building permit.	BP	ISD/T&P	
31	The Property Owner shall provide a list of all addresses associated with the property to the Traffic Commission prior to the issuance of any Certificate of Occupancy for the building.	CO	ISD	
Miscellaneous				
32	Gas and electric meters shall not be on the front of the structure. Gas and electric meters may be located on the side of the structure but shall be screened from the street by a hardy, staff approved evergreen planting. Utilities shall not be located adjacent to windows and shall not impact any parking, landscaping, or egress. The provisions of this condition may be waived by staff if the applicant submits a letter from the utility, signed by a utility representative, on utility letterhead, indicating that there is no feasible alternative to placing meters in violation of this condition.	CO	ISD	
33	Electrical conduits on the exterior facades of buildings shall be painted to match the wall material to which they are attached. Conduits are not allowed on the front of any structure.	CO	Plng.	



34	Granting of the applied for use or alteration does not include the provision for short term rental uses, such as AirBnB, VRBO, or the like. Separate approvals are needed for the aforementioned uses.	Ongoing	ISD / Plng.	
35	In the case of a variance, a condition may identify the work necessary to constitute the exercise of the variance in order to avoid question whether the variance was exercised timely.	n/a	n/a	
36	The Applicant, its successors and/or assigns, shall be responsible for maintenance of both the building and all on-site amenities, including landscaping, fencing, lighting, parking areas and storm water systems, ensuring they are clean, well kept and in good and safe working order.	Cont.	ISD	
37	For developments with 7 or more residential units or commercial development, the Owner/Applicant is required to hire a private company to remove trash and recycling on a regular basis.	Cont	ISD/DPW	
Public Safety				
38	The Applicant or Owner shall meet the Fire Prevention Bureau's requirements.	CO	FP	
39	To the extent possible, all exterior lighting must be confined to the subject property, cast light downward and must not intrude, interfere or spill onto neighboring properties.	CO	Plng.	
Final Sign-Off				
40	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.	



Attest, by the Planning Boards:

Michael Capuano, Chair
Dorothy Kelly Gay, Vice Chair
Joe Favalaro, Clerk
Amelia Aboff
Gerard Amaral (Alt.)

Attest, by the Senior Planner:

Melissa A. Woods, AICP

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 _____

