



City of Somerville

# PLANNING BOARD

City Hall 3<sup>rd</sup> Floor, 93 Highland Avenue, Somerville MA 02143

## DECISION

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**PROPERTY ADDRESS:** 872 Broadway  
**CASE NUMBER:** P&Z 20-026  
**OWNER:** 872 Broadway, LLC  
**OWNER ADDRESS:** PO Box 610312 Newton, MA 02461  
**DECISION:** Approved with Conditions (Site Plan Approval)  
**DECISION DATE:** November 4, 2021

This decision summarizes the findings made by the Planning Board (the “Board”) regarding the development review application submitted for 872 Broadway.

### LEGAL NOTICE

872 Broadway, LLC proposes to construct a 3-story Net Zero Ready general building in the MR3 district which requires Site Plan Approval.

### RECORD OF PROCEEDINGS

On October 7, 2021 the Planning Board held a public hearing advertised in accordance with M.G.L. 40A and the Somerville Zoning Ordinance. Present and sitting at the public hearing were Board Members Chair Michael Capuano, Vice Chair Amelia Aboff, Clerk Rob Buchannan, Jahan Habib, Erin Geno, and Alternate Debbie Howitt Easton. Attorney Anne Vigorito and Architect Phil Sima gave an overview of the proposed building. The Board expressed their dislike of the façade design of the building and requested that the Applicant provide other options that are more visually pleasing. The Board continued the public hearing.

On November 4, 2021 the Board resumed the public hearing. Present and sitting at the public hearing were Board Members Chair Michael Capuano, Vice Chair Amelia Aboff, Clerk Rob Buchannan, Jahan Habib, Erin Geno, and Alternate Debbie Howitt Easton. The Applicant presented four different façade design options. The Board discussed their preferred depth for the balconies and which façade design they preferred. The Board determined that they prefer the balconies to be 3 feet deep rather than 5 feet deep, and that Scheme 2 (with phenolic resin wood panels and a cornice at the top of the 3<sup>rd</sup> floor) was the preferred façade design.

### SITE PLAN APPROVAL FINDINGS

In accordance with the Somerville Zoning Ordinance, the Board may approve or deny a site plan approval upon making findings considering, at least, each of the following:

1. *The comprehensive plan and existing policy plans and standards established by the City.*

The Board finds that the proposal will help to achieve the following from SomerVision, the comprehensive Master Plan of the City of Somerville:

- Strengthen and support neighborhood commercial centers that integrate residential uses, offer lively destinations and contribute to Somerville's unique identity.
- Facilitate transit-oriented, neighborhood infill development when it enhances the lively, human-scaled and walkable character of Somerville blocks and neighborhoods.

2. *The intent of the zoning district where the property is located.*

The Board finds that the proposal is consistent with the intent of the MR3 zoning district which is, in part “[t]o create, maintain, and enhance areas appropriate for smaller scale, multi-use and mixed-use buildings and neighborhood serving commercial uses.”

3. *Mitigation proposed to alleviate any impacts attributable to the proposed development.*

The Board finds that as conditioned, the proposal does not produce any impacts that require mitigation.

## **DECISION**

Following public testimony, review of the submitted plans, and discussion of the statutorily required considerations, Chair Capuano moved to approve the application for Site Plan Approval for a 3-story Net Zero Ready General Building identified as Scheme 2 in the presentation at the November 4 hearing, with the conditions included in the Staff Memo and as discussed at the meeting. Vice Chair Aboff seconded. The Board voted **5-0** to approve the permit, subject to the following conditions:

### Perpetual

1. A deed restriction limiting the sale or rental of all affordable dwelling units to eligible households in perpetuity must be executed and recorded with the Middlesex South Registry of Deeds
2. Dwelling units must be advertised as ineligible for on-street Residential Parking Permits, subject to the regulations of the Somerville Traffic Commission.
3. All buyers, grantees, lessees, renters, and tenants must be notified in writing prior to sale or lease of any dwelling unit that the residents are ineligible for on-street Residential Parking Permits, subject to the regulations of the Somerville Traffic Commission.
4. Construction documents must be substantially equivalent to the approved plans and other materials submitted for development review.
5. Frontage area provided for a widened sidewalk along Broadway must be designed and paved to properly correspond with any sidewalk improvements

approved within the public right-of-way and a pedestrian access easement must be provided in perpetuity by a covenant or other deed restriction.

6. Utility meters are not permitted on any facade or within the frontage area of the lot.
7. Alterations to the design or location of the transformer vault is a major amendment to the approved plans, and is permitted only as a Plan Revision in accordance with Article 15 of the Somerville Zoning Ordinance.

#### Prior to Building Permit

8. Material specifications from suppliers must be submitted to confirm fenestration glazing is compliant with the VLT and VLR ratings required by the Somerville Zoning Ordinance.
9. An outdoor lighting plan and supplier cut sheet specifications of chosen lighting fixtures must be submitted to confirm compliance with Section 10.7 Outdoor Lighting of the Somerville Zoning Ordinance. The site photometric plan must include a keyed site plan identifying the location of all luminaires; total site lumen limit table (calculations from the SZO); lighting fixture schedule indicating the fixture type, description, lamp type, lumens, color temperature, color rendering index, BUG rating, mounting height, and wattage of all luminaires; and notation of any timing devices used to control the hours set for illumination.
10. Formal acknowledgement that residents are ineligible for on-street Residential Parking Permits, subject to the regulations of the Somerville Traffic Commission, must be filed with this Decision.
11. This Decision must be recorded with the Middlesex County Registry of Deeds prior to applying for a Building Permit.
12. Physical copies of all submittal materials as permitted by the Review Boards must be submitted for the public record in accordance with the document format standards of the ISD/PB/ZBA Submittal Requirements.
13. A copy of the Recorded Decision stamped by the Middlesex South Registry of Deeds must be submitted for the public record.
14. All Stage 2 documentation required by the Office of Sustainability & Environment's Net Zero Ready Certifiability Requirements for the subject certification program.
15. Balconies projecting from the front façade must be three (3) feet deep.

#### Prior to Certificate of Occupancy

16. A written narrative or descriptive checklist identifying the completion or compliance with permit conditions must be submitted to the Inspectional Services Department at least ten (10) working days in advance of a request for a final inspection.
17. An affordable housing implementation plan (AHIP) must be submitted to the Director of Housing prior to applying for a Building Permit.

18. All Stage 3 documentation required by the Office of Sustainability & Environment's Net Zero Ready Certifiability Requirements for the subject certification program.

Attest, by the Planning Board:

Michael Capuano, *Chair*  
Amelia Aboff, *Vice Chair*  
Rob Buchannan, *Clerk*  
Jahan Habib  
Erin Geno



Sarah Lewis, Director of Planning & Zoning  
Office of Strategic Planning & Community Development

**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.

**FOR SITE PLAN APPROVAL(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 \_\_\_\_\_