



City of Somerville

PLANNING BOARD

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

2021 JUL 14 P 12:41

DECISION

CITY CLERK'S OFFICE
SOMERVILLE, MA

PROPERTY ADDRESS: 379 Somerville Ave
CASE NUMBER: CZC20-000104
OWNER: 379 Somerville Ave LLC
OWNER ADDRESS: PO BOX 610312, Newton, MA 02461
DECISION: Approved with Conditions (Site Plan Approval)
Approved with Conditions (Use Special Permit)
DECISION DATE: July 9, 2021

This decision summarizes the findings made by the Planning Board regarding the development review application submitted for 379 Somerville Ave.

LEGAL NOTICE

379 Somerville Ave LLC proposes to construct a 5-story net-zero general building and establish a Household Living principle use for ten (10) dwelling units in the MR5 zoning district with no parking provided on-site. This proposal requires Site Plan Approval and a Special Permit.

RECORD OF PROCEEDINGS

On April 29, 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 Michael Capuano, Amelia Aboff, Sam Dinning, Jahan Habib, and Rob Buchanan. At the request of the applicant the Board continued the case.

On May 20, 2021 the Board resumed the public hearing. Present and sitting at the public hearing were Board Members Michael Capuano, Amelia Aboff, Sam Dinning, Jahan Habib, and Rob Buchanan. Anne Vigorito from the Law Office of Richard Di Girolamo and architect Will Chalfant provided an overview of the project. The Board opened for public testimony but none were present, the Board left written testimony open until May 28th at 12pm. The Board then began to deliberate. The Board had concerns about a section of blank wall on the second story, a lack of harmonious fenestration in the façade, and a blank wall facing Porter Street. The Board also expressed concerns about and the materiality of the building as being out of context for the location. The Board asked for clarification from staff regarding the relevance of a parking condition for affordable units and staff responded that they would study the issue. The Board continued the case.

On June 10, 2021 the Board resumed the public hearing. Present and sitting at the public hearing were Board Members Michael Capuano, Amelia Aboff, Sam Dinning, Jahan Habib, and Rob Buchanan. Architect Will Chalfant, presented an updated drawing of the project. The new façade design included anodized bronze to compliment the brick color, added balconies to the bay in the center, and new windows on the top floor. A mural with the words “Welcome to Union Square” was added to the side blank wall facing Porter Street. The Board praised the changes as responsive to their feedback. Staff clarified the condition regarding parking for affordable units as not relevant to this case and recommended striking the condition. The Board concluded their deliberation.

SITE PLAN APPROVAL AND SPECIAL PERMIT FINDINGS

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

The Board finds that the proposal will assist significantly in achieving goals laid out in the SomerVision 2030 Comprehensive Plan, including, but not limited to the following:

- Protect and promote a diverse, interesting mix of small-scale businesses in Somerville’s neighborhoods.
- Facilitate transit-oriented, neighborhood infill development when it enhances the lively, human scaled and walkable character of Somerville blocks and neighborhoods.
- Facilitate thoughtfully-designed, pedestrian-oriented mixed-use development and reuse opportunities in commercial corridors, squares and around transit stations that are sensitive to neighborhood context, and serve existing and future residents and businesses.
- 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.
- Promote mixed-use, mixed-income transit-oriented development to provide new housing and employment options.

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

The Board finds that the proposal is consistent with intent of the MR5 zoning district, which is, in part, “To create, maintain, and enhance areas appropriate for moderate scale, multi-use and mixed-use buildings and neighborhood-and community-serving commercial uses.”

SITE PLAN APPROVAL FINDINGS

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

The proposal has been repeatedly adapted to include design features generated to respond to community feedback received during neighborhood meetings. No other mitigation is proposed due to a perceived lack of remaining negative impacts directly attributable to the proposed development.

HOUSEHOLD LIVING USE SPECIAL PERMIT FINDINGS

4. *The suitability of the site for a household living principal use compared to other potential principal uses.*

Planning Staff believes the development site is highly suitable for a residential use above a ground floor commercial space due to the walkability, transit access of the site as well as the amenities available in Union Square. The site's presence along a Pedestrian Street, with the concomitant requirement to provide for an active use at the ground floor, make it an inappropriate location for an apartment building, while the growing housing demand on the area, as well as the benefits of transit oriented development, favor a strong presence of mixed used buildings in Union Square.

5. *The ability of the development proposal to meet the demand for dwelling units of various types, sizes, and bedroom counts.*

The development proposal includes three (3) two bedroom units and seven (7) one bedroom units. This unit mix is consistent with recent housing studies that identified 92% of demand for new market-rate units was from singles, childless couples, empty nesters, and retirees, while at the same time including multi-bedroom units required by the Somerville Zoning Ordinance.

6. *The increase or decrease in the number or price of any previously existing ADUs.*

There were no previously existing ADUs on the site.

7. *The number of motor vehicle parking spaces proposed for development within a Transit Area.*

There are no proposed vehicle parking spaces.

DECISION

Following public testimony, review of the submitted plans, and discussion of the statutorily required considerations, Chair Capuano moved to approve the **Special**

Permit to establish a Household Living use with the conditions included in the staff memo. Clerk Dinning seconded. The Board voted **5-0** to approve the permit, subject to the following conditions:

Prior to Building Permit

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.

Prior to Certificate of Occupancy

2. An affordable housing implementation plan (AHIP) must be submitted to the Director of Housing prior to applying for a Certificate of Occupancy.

PERMIT CONDITIONS

Following public testimony, review of the submitted plans, and discussion of the statutorily required considerations, Chair Capuano moved to approve the **Site Plan Approval** for a 5-story net-zero general building with the conditions included in the staff memo and discussed at the hearing. Clerk Dinning seconded. The Board voted **5-0** to approve the permit, subject to the following conditions:

Perpetual

1. The property owner and applicable future tenants shall comply with the Mobility Management Plan as approved and conditioned by the Director of Mobility on 20 November 2020.
2. Utility meters are not permitted on any facade or within the frontage area of the lot.
3. This Decision must be recorded with the Middlesex South Registry of Deeds
4. Construction documents must be substantially equivalent to the approved plans and other materials submitted for development review.
5. All buyers, grantees, lessees, renters, and tenants are prohibited from applying for on on-street Residential Parking Permits.

Prior to Building Permit

1. A copy of the recorded Decision stamped by the Middlesex South Registry of Deeds must be submitted to the Planning & Zoning Division for the public record.
2. Physical copies of all development review submittal materials, as permitted by the Planning Board, must be submitted to the Planning & Zoning Division for the public record.
3. All Step 2 documentation required by the Net Zero Ready Certifiability Requirements must be submitted to the Office of Sustainability & Environment.

4. 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.
5. An updated 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.
6. Formal acknowledgement that residents are ineligible for on-street Residential Parking Permits, subject to the regulations of the Somerville Traffic Commission, must be recorded with the Middlesex South Registry of Deeds.
7. Dwelling units must be advertised as ineligible for on-street Residential Parking Permits, subject to the regulations of the Somerville Traffic Commission.
8. 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. This Decision must be recorded with the Middlesex South Registry of Deeds.

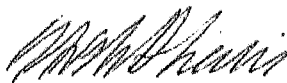
Prior to Certificate of Occupancy

1. All Step 3 documentation required by the Net Zero Ready Certifiability Requirements must be submitted to the Office of Sustainability & Environment.
2. An affordable housing implementation plan (AHIP) must be submitted to the Director of Housing.
3. 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.

Attest, by the Planning Board:

Michael Capuano, *Chair*
Amelia Aboff, *Vice Chair*
Sam Dinning, *Clerk*
Jahan Habib
Rob Buchannan, *Alternate*

Attest, by the Planning Director:



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.

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 _____
