



CITY OF SOMERVILLE, MASSACHUSETTS
MAYOR'S OFFICE OF STRATEGIC PLANNING & COMMUNITY DEVELOPMENT
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Case #: PB2018-04
Site: 2 Earle Street
Date of Decision: May 3, 2018
Decision: *Petition Approved with Conditions*
Date Filed with City Clerk: May 15, 2018

PLANNING BOARD DECISION

Applicant Name: RECP V Boynton Yards Owner LLC
Applicant Address: 1123 Broadway, Suite 201, New York, NY 10010
Property Owner Name: RECP V Boynton Yards Owner LLC
Property Owner Address: 1123 Broadway, Suite 201, New York, NY 10010
Agent Name: Sean O'Donovan
Agent Address: 741 Broadway, Somerville, MA 02143

Legal Notice: 2 Earle Street (A.K.A. MBL 97-B-26 subplot of 153 South Street) – Boynton Yards Building 2 (PB2018-04): Applicant & Owner, RECP V Boynton Yards Owner LLC, seeks a Special Permit with Site Plan Review under §5.2 to replace an existing gravel storage lot with an 8-story commercial building containing 224,300sf of office/ R&D uses and 10,700sf of retail/arts-related uses with parking relief under §9.13, a waiver under §9.17 for shared loading docks is also requested. A Variance from the ZBA under SZO §5.5 for reduced parking is separately requested (ZBA2018-21).

Zoning District/Ward: Zone TOD-55. Ward 2
Zoning Approval Sought: Special Permit with Site Plan Review
Date of Application: February 15, 2018
Date(s) of Public Hearing: April 5, 2018, April 19, 2018, & May 3, 2018
Date of Decision: May 3, 2018
Vote: 5-0



Appeal #PB2018-04 was opened before the Planning Board at Visiting Nurse Association, 3rd Floor Community Room, 259 Lowell Street, Somerville, MA on April 5, 2018. 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 three hearings of deliberation, the Planning Board took a vote.

DESCRIPTION:

1. **Subject Property:** Boynton Yards is bounded by the train tracks to the north, Medford Street to the east, the Cambridge city line, and Prospect and Webster Streets. The sub-area of the Union Square neighborhood plan is 34 acres. The majority of the land area is industrial including automotive uses, moving vehicle storage and dispatch, and commercial laundry services. The SomerVision map identified the vision for future development in Somerville and the entirety of Boynton Yards is in the transform area. The transform areas are anticipated to absorb 85% of new development. The Union Square Neighborhood Plan also anticipates a significant amount of development in this area to create an urban employment center.

The neighborhood is almost hidden as the street network doesn't connect through Boynton Yards and the residential on the east and west edges mask most of the industrial uses. There is an existing pocket neighborhood Boynton Yards East which is a mix of one- to three-family structures, warehouse buildings, and parking lots. Similarly, the western edge has the 80 Webster condominium development and supporting parking garage. The existing location of South Street and its angle makes it undesirable in every redevelopment scheme. The Union Square Neighborhood Plan recommends new streets to address this lack of connectivity.

The other obstacle to development in Boynton Yards is that the only separated sewer is under the existing South Street. The sewer does not have enough capacity to support more than some preliminary development - no further development would be possible until more capacity was added to the system by adding another separated sewer. As part of the new streets, the Neighborhood Plan also incorporates new infrastructure to support the projected development.

This application is bound by Windsor Street, Windsor Place, Earle Street, Harding Street, and South Street. The 3.44 acres are currently home to surface parking, an unpermitted construction equipment storage lot, and two one- and two-story concrete block commercial buildings totaling 25,000 gross square feet (GSF).

2. **Proposal:** With the arrival of the Green Line Extension and both public and private investments in redevelopment, the eastern portions of Union Square and Boynton Yards are envisioned as an Urban Center focused primarily on employment. A dense mix of employment, residential, retail, and entertainment uses and destinations would attract residents from surrounding neighborhoods and will be positioned to attract employers seeking to benefit from locating their business within this type of station area. A new street network is envisioned by the Union Square Neighborhood Plan to provide access to development sites with appropriately sized blocks that fit commercial building types to fulfill market need to make development viable. After a street network is established, the Complete Street Ordinance ensures that new streets are safe and designed for all users giving priority to pedestrians, transit, cyclists, and then cars.

The mixed-use, transit-oriented development will include commercial space for cutting-edge labs, modern offices, innovative startups, and arts uses, as well as both neighborhood convenience and destination retail offerings, with open space to promote interaction between tenants, residents, and the community. The future residential component of the development will include 20% affordable units and a wide range of unit sizes and types to accommodate families, single professionals, empty nesters, roommates, artists, and others. Publicly accessible and sustainably designed open spaces will benefit the wider neighborhood as well as the project's tenants and residents.



This project will be the first step in transforming Boynton Yards. The buildings presented in the two current applications will be 100% commercial - 374,000 GSF of Class A lab and life sciences space, flexible, modern office space, and research/development spaces. This will provide a crucial first step towards achieving the 60/40 commercial/residential mix and the future development will involve residential uses. Both buildings will be within walking distance of the proposed Union Square Green Line Station. A four-level, below-grade parking garage will provide approximately 301 automobile spaces and 140 bike spaces will be provided to serve Buildings 1 and 2.

Building 2, this proposal, is an eight-story lab building aggregating 235,000 GSF. The development also includes four levels of underground parking providing approximately 233 parking spaces as well as approximately 98 bike parking spaces. The garage and loading docks will be accessed by a single curb cut on Windsor Place just west of Building 2.

The first floor accommodates 10,700 GSF of retail space, a mid-block pedestrian connection, three loading docks, tenant storage, a 1,500 GSF lobby, and utility connections. The building offers 224,300 GSF of lab and office space on floors two through eight. A landscaped roof deck is also contemplated for commercial tenant use. The goals of the Neighborhood Plan are not compromised by this development under the existing zoning ordinance or the proposed overlay in the overhaul.

On April 18, 2018, the Zoning Board of Appeals approved the Applicant's request for a Variance to reduce the amount of parking provided for commercial office and lab or R&D uses. This approval permits the applicants to use the parking below this building as a commercial parking garage to serve this building, the adjacent building 1, and other uses now or in the future in Boynton Yards.

3. Green Building Practices: Building 2 is requested a density bonus as permitted in TOD-135 (1.0 FAR increase in the TOD135 and 15 foot increase in maximum height to 150 feet) with a building certified by the U.S. Green Building Council as LEED Gold or better. The scorecard for LEED v4 for Core and Shell is included in the submission package (Attachment 2) showing a Silver rating. To reach the Gold level, a LEED Plan Review certification with a narrative explaining how the rating will be reached shall be required prior to issuance of a building permit. Post-construction commissioning at the certificate of occupancy for the final tenant space shall be the subject of a condition of approval to receive the incentive.

FINDINGS FOR SPECIAL PERMIT WITH SITE PLAN REVIEW (SZO §5.2):

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."*

Nature of Application: TOD-135

This higher-density, taller sub-district shall provide the largest economic development opportunities, while being strategically located to minimize impacts to existing neighborhoods. This sub-district is intended to promote those developments that further the City's stated goals of improving its commercial tax base and bringing good quality jobs to the City. To accomplish these goals, this sub-district should be predominantly dedicated to uses such as office, research and development, and life sciences. Residential development, however, may be allowed provided that it is secondary and complementary to commercial development. To offset higher density, increased provision of public open space is expected in this area.



TABLE 6.5.F—TOD Dimensional & Use Standards

The structure is currently nonconforming with respect to the following dimensional requirements:

Dimensional and Use Standards	TOD-135	Existing	Proposed	Comment
Minimum lot size (s.f.)	50,000	43,087	43,087	non-conforming
Minimum lot area/dwelling unit (s.f.)	450	n/a	n/a	n/a
Maximum ground coverage (%)	80	0	71.4	complies
Landscaped area, minimum percent of lot (%)	20	6.2	19.1	non-conforming
Floor area ratio (FAR)			235,000sf	
Minimum FAR	N/A	3.1	n/a	n/a
Maximum FAR	4.5 5.5 Green	4.5 5.5 Green	5.5	complies
Maximum height (ft)	120 135 Green	0	135	complies
Minimum front, side, rear yard (ft)	0	n/a	5', 3'/11', 12'	complies
Minimum frontage (ft)	140	±250	±250	complies
Permitted Use Clusters	A, B, C, D, E, F, G, H, I, J, K	equipment storage	A, B, C, D, G, H, J, K	complies
Arts Related Uses Requirement	5% of gsf	0	11,750sf	complies
Inclusionary Housing Requirement	17.5%	n/a	n/a	n/a
Tapering Height (ft)	NA	n/a	n/a	n/a
Upper Level Setback (ft)	NA	n/a	n/a	n/a
Upper Level Maximum Floorplate (%)	NA	n/a	n/a	n/a
Usable Open Space Requirement (%)	15%	0	±6700	complies

§ 6.5.G.18 - Reduction of Minimum Lot Area.

The parcel, 43087sf, is an existing subplot (MBL 97-B-26) to the adjacent land at 153 South Street (MBL 97-B-23). Rather than subdivide at this time, the Applicant is providing access to the rear of the building via the land under their ownership on the main part of the property. As proposed, the access easement is 32' wide and 140' long and is entirely contained within private land owned by the Applicant. If this driveway area were added to the Building 2 parcel, the lot area would comply with the minimum 50,000sf. The intent is that the driveway will become part of a shared alley serving additional development on the parcel and will be subdivided in a later phase.

6.5.G. Development Standards for New Development in TODs. 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.*

If the impact analyses indicate that safety or capacity will be adversely affected by the proposed Development, the Applicant will indicate appropriate mitigation measures, subject to the approval of the Director of Traffic and Parking, prior to the granting of a special permit.

The transportation analysis has been performed in general conformance with the Massachusetts Executive Office of Environmental Affairs (EEA)/Executive Office of Transportation (EOT) guidelines. It also has been prepared to be consistent with the goals and overall vision of the Union Square Neighborhood Plan.

The Applicant is committed to being an active member of any Transportation Management Associations (TMAs) formed in the future. In conjunction with the initial phase of development, an overall on-site TDM coordinator will be designated to oversee all TDM programs for each building of the Proposed Project, and the Project Site in its entirety. The person(s) in this role will coordinate with organizations within the area evaluated in the Union Square Planning Study to help promote a reduced reliance on single-occupant motor-vehicle travel to the Project Site.

2. Incentives for Green Building. *Buildings certified by the U.S. Green Building Council as LEED Gold or better shall receive the following bonuses (after comparison, the Mayor of Somerville may determine in writing that an alternate sustainable development rating system is equal or better than LEED Gold and that system may be substituted):*
 - a) *0.5 FAR increase in the TOD70 and TOD100;*
 - b) *1.0 FAR increase in the TOD135; and,*
 - c) *15 foot increase in maximum height in the TOD70, TOD100 and TOD135.*

LEED (or certified equivalent) Plan Review certification shall be required prior to issuance of a building permit and post-construction commissioning shall be the subject of a condition of approval to receive the incentive.

Building 2 is requesting a density bonus as permitted in TOD-135 (1.0 FAR increase in the TOD-135 and 15 foot increase in maximum height to 150 feet) with a building certified by the U.S. Green Building Council as LEED Gold or better. The scorecard for LEED v4 for Core and Shell is included in the submission package (Attachment 2) showing a Silver rating. To reach the Gold level, a LEED Plan Review certification with a narrative explaining how the rating will be reached shall be required prior to issuance of a building permit. Post-construction commissioning at the certificate of occupancy for the final tenant space shall be the subject of a condition of approval to receive the incentive.

3. Credit for Provision of Land for Public Infrastructure. *Where land is to be dedicated to the City of Somerville for public infrastructure (including roadways, sidewalks, public paths, parks, and other public infrastructure), the area of dedicated land shall be applied to calculations for dimensional requirements except for setback requirements. Upper level setbacks shall be measured from the original property line (pre-dedication) and other setback requirements shall be measured from the newly created property line (post-dedication).*

No land on the Building 2 site will be devoted specifically to public infrastructure. However, the Applicant's larger master plan for the area and the City's vision for this district include considerable public infrastructure improvements. The Applicant will make substantial improvements to the infrastructure as part of the first phase of development (Buildings 1 and 2) including:

- Defining and reconfiguring the curbs along South Street
- Rebuilding the sidewalk and streetscape along South Street
- Building the improved section Earle Street between the two buildings
- Striping the intersection of South and Earle Streets with crosswalks
- Adding a raised crosswalk between the buildings for pedestrian safety

It is the intent of the City to create a district-wide balancing between the owners within Boynton Yards. The amount of infrastructure and open space that is required by the neighborhood plan will require a fair valuation of development and equitable contributions by all. This Applicant is aware of these intentions and has been very cooperative while the details are still being studied and negotiated. The Applicant has provided for an engineering study that will be credited as a contribution when the amounts of required commitments are finalized.

4. Credit and Height Bonus for Provision of Dedicated Parkland. *Where a minimum of forty thousand (40,000) square feet of land is to be improved and dedicated to the City of Somerville for public open space in the TOD135, a bonus of a fifteen-foot increase in maximum height (to a maximum of one hundred fifty (150) feet) may be granted. The area of dedicated land shall be applied to calculations of FAR and any upper level setbacks shall be measured from the original property line (pre-dedication). Public open space shall not be required on premises, but the maximum residual ground coverage shall not exceed ninety (90) percent and minimum landscaped area shall not be below ten (10) percent of residual lot area. All other dimensional standards shall be applied to the remaining parcel.*

The Building 2 site is zoned TOD-135 and is eligible for a bonus but the project will not provide any dedicated parkland.

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 Building 2 site does not abut residential uses.

6. Upper Level Open Space. *Area within Upper Level Setbacks may be used to provide usable or private open space, including residential balconies, and shall not be counted toward Floor Area Ratio.*
None. Building 2 is proposed as a lab building so the entire roof will need to be used for venting and mechanical systems.
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.*



Attachment 13 provides a full, graphical analysis of shadows from Building 1 and a full computer model study of pedestrian level winds. Neither shows any substantial impact to open space, nor any impact to residential areas.

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.*

Building 2 is slightly under the landscaping requirements of 20% of the lot area under the TOD-135. Keeping in mind that the lot area is slightly below the minimum, it is not surprising that the landscape and usable open space areas are lower than the required percentages. Board is in support of the lower amount of landscaping on this particular parcel due to the future open space envisioned throughout the district by the Union Square Neighborhood Plan.

In the short-term, a small plaza is being provided on South Street that will be a pervious surface paved with light colored stone. It will have integrated planting beds with ground cover and trees to provide shade as well as benches for public seating. The north side of the building along Windsor Place will also have a small public space that will be predominantly planted area. Using the calculations for a Commercial Building in the High Rise District of the proposed zoning, the application reaches a Green Score of 0.153 with the amount of pervious paving and planted area. This is under the 0.2 that would be required.

To ensure the quality of open space and landscaping, Staff recommends adding a condition to any approval that requires submission of detailed landscape plans with the Building Permit application. The Green Score must be met to the satisfaction of Planning Staff, Transportation & Infrastructure Department, and the City Arborist prior to any permit for construction is granted by Inspectional Services.

9. Payment in Lieu of Open Space. *For any new development(s) within the TOD 70 and TOD 100, the SPGA may approve either a cash payment in lieu of providing the required usable open space, or a partial cash payment combined with a partial provision of the required usable open space. SPGA approval should be based on the finding that the proposed development site truly cannot produce open space that would be of a size, location, or configuration that would enhance the community. Applicants wishing to make use of this option are strongly encouraged to meet with the Planning Director prior to formal submission of an application to help determine project compliance.*

Minimum landscaped area and maximum ground cover may be modified by the equivalent area for which an in-lieu payment is made, with a maximum ground coverage allowance of ninety (90) percent and a minimum landscaped area of ten (10) percent of lot area. Any further relief from these requirements shall require a variance.

For payments made in lieu of the Usable Open Space required, the developer must designate, in coordination with the City and the Planning Director, a site to which those contributions shall be applied. Optimally, the open space will be within a quarter-mile of the subject property. Such payments shall be made to the City of Somerville. The City shall hold such payments in a stabilization fund dedicated to land acquisition, design, and construction of public open space in the catchment area defined in the Rules and Regulations of the Special Permit Granting Authorities. This may include repayment of any debt incurred by the City for capital costs associated with land acquisition, design, and/or construction of public open space.

For each square foot of usable open space for which the cash payment is proposed in substitution, the applicant shall pay:

- *The assessed value per square foot of the development parcel (not including buildings) established by the City of Somerville Assessor's Office for the fiscal year during which the applicant has filed for SPSR for said development parcel; plus*
- *The cost per square foot to design and construct a public park in Somerville (including but not limited to lighting, plantings, paving, and street furniture), as designated in the Rules and Regulations of SPGAs. This number shall be updated not less than every two (2) years and shall reflect the average cost per square foot of city parks in prior years. If the designated park has a specified cost, the actual development costs will apply.*

No certificate of occupancy shall be issued unless and until all deeds, covenants, contractual agreements, and other documents necessary to ensure compliance with this Article have been submitted to and approved by the SPGA's designee and all cash payments have been made.

Since Building 2 meets the landscaped area requirements, no payment in lieu of open space is proposed.

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 mixed-use, transit-oriented development will include commercial space for cutting-edge labs, modern offices, innovative startups, and arts uses, as well as both neighborhood convenience and destination retail offerings, with open space to promote interaction between tenants, residents, and the community. The project will connect the Union Square neighborhood to Inman Square to the south and Medford Street/McGrath Highway corridor to the east. The project also is designed to strengthen the connection between Union Square and Kendall Square to the south.

There will be a pedestrian-priority and bike-friendly streetscape in order to improve the walkability of the neighborhood for nearby residents, tenants, and mass-transit commuters accessing the future Green Line Extension. New and improved sidewalks will be provided along the perimeters of both Phase 1 buildings. Areas for tree pits, pavers, and street furniture will be provided, and there will be an Earle Street mid-block crossing constructed as a raised walkway. This traffic-calming will cause Earle Street traffic to reduce its speed to help maintain a pedestrian-friendly environment.

Board recommends and a condition to any approval that requires more detailed plan drawings and sections with material and landscape specifications be submitted with the Building Permit application for review and approval by Planning, Transportation & Infrastructure, the Department of Public Works, and Traffic & Parking.

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 building has both a main lobby entrance to the offices and entrances to individual first floor retail spaces. These have been designed to be visible and inviting from the public sidewalks surrounding the site on the three street sides.

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.

All parking is to be located in a four level underground garage structure and will not be visible from the street or any abutters. The parking ramp and loading docks are accessed via an alley on the west side of the building from Windsor Place.

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.*

Attachment 12 contains the required Parking Optimization Plan, aimed at reducing the number of parking spaces required and fostering the maximum use of alternative forms of access. This Applicant fully intends to actively participate in transportation demand management and a future Transportation Management Association for the district. Ample secured bicycle parking will be provided within the individual buildings along with outdoor bicycle racks near the building entrances and potential bike share stations at key points.

The proposed parking supply will be kept to the minimum levels needed to satisfy tenant, and future resident needs, while being low enough to help promote travel by biking, walking, or using MBTA transit service, including the planned MBTA Green Line Station which is expected to be operational in 2021.

14. **Service Areas and Loading Spaces.** *Ground level mechanical equipment, utility and trash enclosures, loading docks and other utilitarian and service elements shall not abut 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 original application set shows the electrical and fire service area on the Earle Street elevation which is the front of the building. However, "Ground level mechanical equipment, utility and trash enclosures, loading docks and other utilitarian and service elements shall not abut the street edges of the parcel and shall be visually and acoustically screened (sufficient to conform to the City's Noise Ordinance during operation)." Board recommends adding a condition to any approval that those utility and service functions be moved to the west side of the building and accessed from the driveway (future alley) that also provides entrances to the loading docks and parking garage.

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.*

Lighting shall be appropriate to the pedestrian-oriented character of the intended mixed-use transit-oriented employment district and will ensure sufficient light for safety while minimizing glare and light trespass. Board recommends adding a condition to any approval that requires detailed fixture and lumen specifications be submitted with the Building Permit application.

16. **Properties Adjoining Railroad Rights-of-Way.** *Properties directly adjoining railroad rights-of-way shall not be subject to additional City-imposed setbacks. However, any application for a project on such a*

parcel shall demonstrate coordination with the appropriate rail agency and assume full responsibility for gaining all required permissions therefrom.

This site does not abut a railroad right-of-way.

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.*

All roof top mechanicals 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. Furthermore, the building façade is extended vertically to eliminate the appearance of a penthouse and incorporate it in the overall design of the building.

18. Reduction of Minimum Lot Area. *Where the SPGA makes the following findings, the minimum lot area may be reduced from the requirements of Section 6.5.F:*

- a) The applicant has demonstrated that good faith efforts have been made to acquire additional land and have been unsuccessful;*
- b) The project would have sufficient lot area to ensure compliance with all other dimensional and development standards;*
- c) Quality of usable open space would not be compromised by the reduced lot area;*
- d) Design guidelines would not be compromised by the reduced lot area; and*
- e) Development of the site may not result in a lost economic opportunity that would have been feasible on a lot meeting the minimum requirement. The reduced lot area may not be used as a justification for a reduced scale of development or for a mix of uses that does not achieve the purposes of the district, including increasing commercial development in appropriate areas.*

The Building 2 site is just over 43,000 square feet. A reduction from the required 50,000 square feet is sought. This reduction does not compromise compliance with the other dimensional requirements, usable open space requirements are met, design guidelines are not compromised, and the project does foster the desired development of commercial space for this site.

Section 9.13. - Exceptions, Special Permits.

The current ordinance requires Building 2 to provide 232 spaces and Building 1 to provide 139 spaces for a total of 371 spaces. (For reference, the proposed ordinance requires Building 2 to have 225-326 spaces depending on the program split between office and lab, and Building 1 to have 133-205 spaces). As this proposal is larger and taller than the current zone allows, a variance has also been requested from the Zoning Board of Appeals (case #ZBA2018-21) to reduce parking.

SZO §9.13 allows for sites with nonconforming parking to apply for a Special Permit to modify parking requirements. 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". The Applicant must be able to demonstrate that granting the requested special permit would not cause detriment to the surrounding neighborhood through any of the criteria as set forth under SZO §9.13.



This proposal will include a very large phased four-story underground parking structure that will be under most of the site and will ultimately support all the development proposed by this Applicant. The first phase of the garage will be constructed with the development of Building 2 and will initially provide 233 vehicle spaces and 98 bicycle spaces. The Applicant is asking relief for parking in this first phase. Board supports this request so the remaining property will not be permanently hampered as future development is planned.

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 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. These regulations are shown in Table 6.5.F. The Following sub-districts are designated within TOD's."

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".*

Surrounding Neighborhood:

The existing neighborhood is an under-utilized industrial area with a history of slaughterhouses, salvage yards, auto recyclers, and other industries. The only existing building with any visual interest is the building at the corner of Windsor Place and Windsor Street that is home to the Taza Chocolate company. Many of the other structures are low-rise and either haphazard in materiality or stucco with ribbon windows – neither of which provide any direction to guide architectural character or design elements. The Union Square Neighborhood Plan anticipates all of the buildings in the district (except the Taza building) to be replaced.



Impacts of Proposal (Design and Compatibility):

SZO §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 building completes the streetwall along three primary street edges and provides a defined edge to the future open space to the north.

2. Massing and height of the building 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.

There is limited building in the existing conditions to provide guidance on the physical character as it relates to height, massing, and even architectural details. The building at xx that is home to Taza Chocolate provides some historical variety in the scale, rhythm, and relationship of buildings to public ways but the existing one-story warehouse-type buildings are not compatible with the vision for the future of the district.

The massing of the proposed buildings is intended to look forward and spur economic development as envisioned by SomerVision and the Union Square Neighborhood Plan. Building 2's glass and metal façade is designed as a modern reference to the neighborhood's industrial past and the stacking of materials.

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

This site does not abut any low-rise residential districts or historically designated properties so a transition in height is not necessary.

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. (Compliance or noncompliance with this guideline must be documented in plans' dimensional tables.)

The ground floor retail has been designed to be as adaptable as possible, with a street wall dominated by glazing totaling 75% of the façade on both the first and second levels. The retail can be broken up into the thirty-three-foot-wide commercial bays typical to Somerville and entries can be positioned anywhere along the façade. In a multi-tenant setting, they can easily be provided with independent entries spaced 30' apart each leading onto the street.

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.

Exterior building materials will be high quality, durable, and aesthetically appropriate to the industrial history and the vision for the district. The building façade is largely glass and metal, befitting its intended use as a split laboratory/office building. In order that the glazing not overtake the façade,



thick bands of metal panels separate each floor, with the added effect of concealing the structure and mechanical zones. Metallic louvers are also added to provide shade and texture to the facades.

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.*

This building is very visually prominent and essentially has four primary facades. As such, all façades are very similar to the front façade of the building on Earle Street and the intended character of the surrounding district.

7. *Signage and awning design should respect buildings' context (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 concealed or obliterate them. Internally illuminated "bubble awnings" and box signs are inappropriate.*

Signage and awning design will respect the building's context (e.g., scale, design, style, colors, materials), be oriented to pedestrians, and be subordinate to the overall building composition. All signs will enhance important architectural details and not conceal or obliterate them. Any and all signage will require a separate Special Permit application.

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.*

Major entrances will be located on Earle Street for the offices and labs. All retail entrances will relate well to crosswalks, sidewalks, and open spaces.

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 base, middle, and top of the proposed building are expressed. This is achieved through changes in material, fenestration, architectural detailing, and other elements to avoid a monolithic appearance. The lower two levels are inset along the south and east facades to clearly delineate a 'base' from the primary 'middle' building mass above, while the façade continues an extra level along the building length to establish a clear 'top' made of solid panels. The building is designed in such a way as to integrate the mechanical floors fully in the overall proportions and character of the building.

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.*

Tapering Height requirements are not applicable to this application.

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.*

Tapering Height requirements are not applicable to this application.



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 rooftop mechanicals are split over two levels, as the Laboratory use requires a large amount of mechanical floor-space. To incorporate this large penthouse in a manner integral to the building architecture, the southern façade has been extended in order to screen the majority of the first penthouse level. The remainder of that level and the second penthouse level above is then setback from the building face in order to minimize its visibility from the street.

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.*

Individual Artist Live/Work Spaces are not applicable to this application.

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

A sidewalk depth of at least twelve (12) feet from the street curb to building is shown on all surrounding streets as envisioned by the Union Square Neighborhood Plan.

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.*

Building 2 provides underground off-street parking that is accessed from an alley. Vehicular access will be provided through an opening, no wider than twenty-five (25) feet in the street level façade of the building.

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.*

There will be no above-ground structured parking associated with this application.

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.*

Usable open space has been provided along the southern edge of the building, expanding the sidewalk into a 'front yard' space. Further spaces designed to support pedestrian movement are proposed along the eastern edge, setting the first two levels back fifteen feet with the upper floors suspended over them, and through an interior pedestrian passage cutting east-west through the building.

There are currently no nearby usable open spaces. However, the Union Square Neighborhood Plan shows a future green space to the east of the property (north of Building 1 on the present Gentle Giant parking lot) as well as a large public plaza, largely on this Applicant's property, to the west. The Applicant has agreed to collaborate with the City and fellow developers for these district-wide improvements.

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

Public art is not considered with the first phase of the intended master plan as the usable open spaces on South Street will be reconfigured when the re-alignment occurs. Locations for public art installations will be identified in future phases.

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.*

This project does not abut the MBTA right-of-way.

20. *Utilities and wiring shall be placed below ground. Transformers and trash facilities may also be required to be located underground.*

Utilities and wiring will be placed below ground as the infrastructure requires upgrading and rebuilding. Transformers and trash facilities are shown on the ground level but will be designed as integral with the architectural character of the building and not visible from any public right-of-way.

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

The 224,300gsf of lab and office space will exist on column-free floor plates of approximately 30,000gsf. The building is being designed on an 11-foot module as is desirable for high-end lab facilities. Based on current lab usage trends, the Applicant anticipates approximately 50% of each tenant’s space will be designated for lab use with the remaining 50% set aside for supporting office uses. This purpose-built lab layout will attract both established life sciences companies unable to find space to expand elsewhere and young companies unable to pay Class-A lab rents.

Slab to slab heights of 15’ and finished ceiling heights of 11’, purpose-built HVAC systems, superior load levels, column-free floor plans, dock-height loading access, first-floor secured storage, and an oversized service elevator are all designed to fulfill the needs of demanding life sciences and biotech companies. Once fully occupied, Building 2 is expected to be home to nearly 1,000 full-time jobs.

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.”*

Any redevelopment of the Boynton Yards district requires significant impacts on the public systems. This Applicant has been working closely with Engineering to determine the necessary investments and upgrades to allow this area of the city to be redeveloped. New infrastructure costs are anticipated to be shared among all developers within this district. An equitable division is under negotiation at this time for utility, roadway, and open space contributions that will create fiscal benefits for landowners and the city.

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 site is subject to an Activity and Use Limitation (AUL) under MGL Chapter 21E, which generally limits the property use to commercial and/or industrial activities and requires that any invasive activities be performed to defined soil management and health and safety plans. The site may be developed in accordance with the conditions of the AUL; however, the Applicant intends to remediate the site in conjunction with the project plan. At completion, the site condition is intended to maintain a condition of “no significant risk” without the need for the AUL.

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 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 secure safety from fire, panic and other dangers; to provide adequate light and air; to prevent the overcrowding of land; to facilitate the adequate provision of transportation, water, sewerage, schools, parks and other public requirements; to encourage the most appropriate use of land throughout the City; 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.”*

Not applicable. There are no land forms or open spaces on the site.

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 has not been any natural environment in the Boynton Yards district for a very long time due to the history of industry here. The buildings currently proposed have been sited in such a way as to allow for the most radical change proposed in the Union Square Neighborhood Plan – the realignment of South Street – to be undertaken in the future. The buildings relate to the existing street network, but they have been designed so that they will fit in, contribute to, and benefit from the future arrangement proposed by the Somerville Planning Department.

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 powered 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.”*

Both Earle Street and South Street contain existing water and sanitary sewer and storm drainage facilities with ample capacity to serve the first phase of development (Buildings 1 and 2). There are outdated storm drainage connections within Earle Street to an existing combined sewer.

Storm drainage will be separated from the combined sewer as part of the improvements, and a new 16” water main will be installed. The Applicant will also replace the existing 15” sewer main in Earle Street. The building will connect water, sanitary sewer, and storm drainage to the proposed facilities in Earle Street. Building 1 will also have a storm drain connection directly to South Street.



Board recommends including a condition to any approval for this project to include further detailed coordination with the Engineering Department and Transportation & Infrastructure to ensure that the infrastructure design is appropriately sized to provide ample capacity for the anticipated future growth of the area, and infrastructure costs are shared by the Applicant and others in Boynton Yards.

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.”*

Not applicable. There are no structures on the site.

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.”*

As the Boynton Yards district is intended to be a transform area with high density development encouraged, there will be no screening between buildings or between streets and buildings. All development will be reflective of the urban patterns of the rest of the city with buildings located on the street frontage. There will not be any berms.

The Union Square Neighborhood Plan proposes a series of public spaces throughout Boynton Yards. The Boynton Yards District Development Map proposed in the zoning overhaul identifies the current public space proposals. The Applicant is offering in-principle support for the most significant of these ideas: a large park/plaza positioned along the western quarter of the properties. This large public space will be of great benefit to the neighborhood and is envisioned as a significant park for gathering that provides identity and plantings to Boynton Yards and Union Square.

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.”*

Site lighting on the South Street Plazas for both buildings will include pedestrian-scale post-top fully-shielded LED fixtures and low brightness LED fixtures incorporated seating/planters. Low-brightness decorative lighting bollards will be integrated with the landscaping to light walkways around both buildings where required for security and comfort.

Building-mounted exterior lighting will include recessed low brightness LED down lights will be incorporated into the exterior soffit along the retail edges of the building. Fully shielded low power LED fixtures will be wall mounted at any egress doors as required by code. There is no building mounted exterior lighting planned for the loading dock opening.

While conceptual lighting design has been considered by this proposal, more detail specifications will be required. Board recommends adding a condition to any approval that requires detailed fixture and lumen specifications be submitted for Planning Department approval with the Building Permit application.

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.”*



Building 2 is surrounded by public streets on three sides – Earle Street, South Street, and Windsor Place – so there is easy access by emergency personnel. The fourth side, to the west, remains an adjacent parking lot in the short-term with an alley accessing the parking and loading which also allows direct access to the building.

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 parking ramp and loading docks are accessed via an alley on the west side of the building from Windsor Place. The centerline of the access drive is approximately 150’ from the intersection of Windsor Place and Earle Street and is unlikely to cause traffic congestion on arterial or collector streets.

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.”*

Although existing water and sanitary sewer and storm drainage facilities have ample capacity to serve the development, the Applicant intends to upgrade and improve water, sewer, and storm water infrastructure at and near the Building 1 site as part of its infrastructure contribution to the city. These improvements will serve not only Building 2, but also the remainder of Boynton Yards.

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.”*

There is not any detrimental impact expected on adjoining premises. At this point in time it is unknown what businesses may occupy the building, but any fumes or vapors will be carefully vented to all required code standards. Mechanical equipment will be specified at a reduced noise level with the understanding that there could be adjacent residential buildings.

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.”*

Signage communicating the building identity/address on Earle Street will be located on the main lobby entrance doors. This may be in the form of letter and number graphics on the lobby glazing (above or next to main doors). First floor pedestrian/biker signage will be small and indicate the location of the elevator lobby for pedestrian/bicycle access to the bike parking in the basement.

First floor retail tenants will incorporate individual signage and entrance design following designated zones (clerestory of the glass bays) on the façade. The loading dock entrance on Harding Street will be a small sign integrated in the metal paneling to identify an opening. First floor utilities will have small signs to identify the purpose of openings in the metal paneling (i.e. Eversource alcove, Main Electrical vault, Trash/Recycle room) as will the fire exits.

All signage will require detailed submissions for Special Permit under future applications.

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.”*

Building 2 proposes a single curb cut and access driveway has been provided on Windsor Place for the Building 2 garage and loading docks. The access driveway has been designed to reduce vehicular speeds.



The surface of the access driveway will be finished with plaza pavers. The surface of the access driveway has been designed to be flush with the adjacent sidewalk and pedestrian areas.

Any doors, overhead doors, and louvers necessary for all service functions such as loading docks, garage entrance, electrical equipment, and trash facilities will be designed as integral with the architectural character of the building so as not to be readily visible from any public right-of-way or future open space.

21. Screening of Parking:

Building 2 proposes a single curb cut and access driveway has been provided on Windsor Place for the Building 2 underground garage and will not be readily visible from any public right-of-way or future open space.

21. Housing Impact: *Will not create adverse impacts on the stock of existing affordable housing.*
 Not applicable. There is no housing in this proposal.

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. The areas in the SomerVision map that are designated as enhance and transform should most significantly contribute towards the SomerVision goals that are outlined in the table below.*

The Applicant has carefully designed this project, and the eventual full build-out, to meet or exceed the goals of SomerVision and the Union Square Neighborhood Plan.

<u>SomerVision Summary</u>	<u>Existing</u>	<u>Proposed</u>
<i>Dwelling Units:</i>	0	0
<i>Affordable Units:</i>	0	0
<i>Commercial Sq. Ft.:</i>	0	235,000
<i>Estimated Employment:</i>	0	1,000
<i>Parking Spaces:</i>	0	233
<i>Publicly Accessible Open Space:</i>	0	6,700

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.*

This phase of the project does not add any residential, only commercial uses.

DECISION:

Present and sitting were Members Kevin Prior, Joseph Favaloro, Michael Capuano, Dorothy Kelly Gay, Rebecca Lyn Cooper, and alternate Gerard Amaral. Upon making the above findings, Kevin Prior made a motion to approve the request for a Special Permit. Dorothy Kelly Gay seconded the motion. Wherefore the Planning Board voted **5-0** to **CONDITIONALLY APPROVE** the requested **SPECIAL PERMIT with SITE PLAN REVIEW** with the attached conditions titled “Appendix A: Boynton Yards Building 2 – CONDITIONS”.



Attest, by the Planning Board:



Kevin Prior, Chairman



Joseph Favaloro


Dorothy A. Kelly Gay

Rebecca Lyn Cooper



Michael Capuano

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 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 _____



Appendix A: BOYNTON YARDS Bldg 2 - CONDITIONS

#	Condition	Timeframe	Verified (initial)	Notes								
1	<p>Approval is for the site plan, Building 1, and partial Earle Street redesign. This approval is based upon the following application materials and the plans submitted by the Applicant:</p> <table border="1"> <thead> <tr> <th>Date</th> <th>Submission</th> </tr> </thead> <tbody> <tr> <td>2/15/2018</td> <td>Initial application submitted to the City Clerk's Office</td> </tr> <tr> <td>3/29/2018</td> <td>Modified plans submitted to OSPCD (complete revised application)</td> </tr> <tr> <td>5/3/18</td> <td>Revised elevations and renderings submitted during the Planning Board hearing</td> </tr> </tbody> </table> <p>Any changes to the approved Special Permit with Site Plan Review, other than modifications required to meet these conditions, that are not <i>de minimis</i> are considered a revision to this approval. A revision is subject to the procedural standards required of a Special Permit with Site Plan Review.</p>	Date	Submission	2/15/2018	Initial application submitted to the City Clerk's Office	3/29/2018	Modified plans submitted to OSPCD (complete revised application)	5/3/18	Revised elevations and renderings submitted during the Planning Board hearing	Building Permit / Certificate of Occupancy	ISD/ Planning	
Date	Submission											
2/15/2018	Initial application submitted to the City Clerk's Office											
3/29/2018	Modified plans submitted to OSPCD (complete revised application)											
5/3/18	Revised elevations and renderings submitted during the Planning Board hearing											
2	Approval is subject to the Applicant's and/or successor's right, title, and interest in the property.	Perpetual	Planning									
3	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.	Perpetual	Planning									
Master Plan												
4	Further development of the Applicant's property within the Boynton Yards District Boundary (see Appendix B) requires coordination and cooperation with the City and other owners to meet the goals of the 2003 Union Square Master Plan, the 2012 Union Square Revitalization Plan, the 2016 Union Square Neighborhood Plan (as amended), fulfill the goals of SomerVision (the comprehensive Master Plan of the City of Somerville), and any on-going design and plan revisions by the Planning Department.	Future Development	Planning									
5	At full build-out of the Applicant's property within the Boynton Yards District Boundary (see Appendix B), no less than sixty percent (60%) of the total gross floor area (excluding motor vehicle and bicycle parking and any space used for public purposes) must be dedicated to commercial employment uses (Office, Lab, R&D, hotel), or design services use within the arts & creative enterprise uses, and no less than 20% residential. The Applicant may shift commercial and/or residential development rights under this condition to adjacent property owners with review and approval of Planning Staff.	Future Development	Planning									
6	At least five percent (5%) of the total gross commercial floor space, (excluding motor vehicle and bicycle parking) must be dedicated to principal uses within the arts & creative enterprise uses as required in the TOD district regulations.	CofO	Planning									
7	If the Boynton Yards Overlay District or a similar regulation is approved as new zoning for this area, and if the district requirements include a minimum commercial use ratio or requirement, the Applicant may include this building in a future Special Permit, SPSR, CDSP, or similar master plan approval thereby crediting the building as a part of the commercial use floor area provided by the Applicant.	Future Development	Planning									

8	If the Boynton Yards Overlay District or a similar regulation is approved as new zoning for this area, and the Applicant seeks a future Special Permit, SPSR, CDSP, or similar master plan approval, the land area upon which this building is located shall be included in any calculation of total project land area when calculating total on site open space, civic space or similar requirements.	Future Development	Planning	
Construction Permitting				
9	Parcelization and subdivision of land identified in the application materials requires the approval of one or more subdivision, lot, merge or lot split applications to establish the new lot boundaries. Applications for parcelization or subdivision may be processed administratively, but shall be processed prior to building permit.	Building Permit	Planning	
10	The Applicant must contact the Engineering Department to coordinate the timeline for cutting or opening any street and 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.	Building Permit	Engineering	
11	The Applicant shall meet the Fire Prevention Bureau's requirements.	Certificate of Occupancy	Fire Prevention	
12	The Applicant shall submit a proposed drainage report for the building and any adjacent civic space site that demonstrates compliance with the City's storm water policy.	Building Permit	Engineering	
13	Because of the history of the site and the intended use, the Applicant shall, prior to issuance of any demolition permit and/or any building permit for the project, provide to the Planning Department and the Inspectional Services Division: <ul style="list-style-type: none"> a. a copy of the Response Action Outcome (RAO) Statement, signed by a Licensed Site Professional (LSP) and filed with DEP, verifying that a level of no significant risk for the proposed residential use has been achieved at the site; or b. if remediation has not reached the RAO stage, a statement signed by an LSP describing (i) the management of oil and hazardous materials/waste at the site, including release abatement measures intended to achieve a level of no significant risk for residential use at the site, treatment and storage on site, transportation off-site, and disposal at authorized facilities, (ii) a plan for protecting the health and safety of workers at the site, and (iii) a plan for monitoring air quality in the immediate neighborhood. 	Demolition or Building Permit	ISD/ Planning	
14	Notification must be made, within the time period required under applicable regulations, to the Massachusetts Department of Environmental Protection (DEP) if there is any release of oil, hazardous materials, or regulated hazardous substances at the site. The City's OSE office, Fire Department and the Board of Health shall also be notified.	At time of release	OSE/FP/BOH	
15	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	ISD/Planning	

16	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, or if not up to the standards of the new walkable neighborhood being developed in Boynton Yards. All new sidewalks and driveways must be constructed to DPW and OSPCD T&I standard.	CofO	DPW / T&I	
17	All construction materials and equipment must be stored onsite or on the Applicant/Owner's adjacent property. 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, in compliance with all the conditions of this approval, and the prior approval of the Traffic and Parking Department must be obtained.	During construction	T&P/ISD	
18	The Applicant shall provide notice of intent to strictly comply with applicable State and Federal regulations regarding air quality including without limitation continuous dust control during demolition and construction.	During construction	Planning/OSE	
19	Reserved			
20	The Building Official shall not issue any Building Permit for any additional building on the Applicant's lots until the realignment/reconstruction of South Street, Earle Street and Windsor Place (adjacent to this building with final extent determined by the Director of Planning and the Director of Transportation & Infrastructure), and subject to review and adjustment by the Planning Board, is completed.	Future development	Planning/T&I/ Engineering	
Infrastructure				
21	The Applicant must coordinate a meeting with the Planning, Engineering, and Transportation & Infrastructure Departments to ensure that the full infrastructure design within any current or proposed right-of-way or access easement are appropriately sized to provide ample capacity for the anticipated future growth/build-out of the area.	BP	Planning/T&I/ Engineering	
22	Infrastructure must be designed to meet all requirements and standards of the City of Somerville and its relevant departments (including, but not limited to, the City Engineer, Department of Public Works, Inspectional Services, Traffic & Parking, Fire Department, and the divisions of the Mayor's Office of Strategic Planning and Community Development) and all other legal requirements for the installation of services within public rights-of-way. That all details are designed to City standards, and that installation, unless otherwise included in capital project work of the City, is done without cost to the City, and that installation will be functionally adequate and completed at the appropriate time in the course of the phases of development.	BP	Various	
23	The Applicant is responsible for the installation of all necessary private infrastructure and utility improvements (such as electrical, telephone, data, CATV, and natural gas utilities), both on and off site, needed to support the development proposed and its constituent phases, as approved and conditioned.	Installation of utilities	Various	

24	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	
25	All new sidewalks will be installed by the Applicant in accordance with the specifications of the Engineering Department and OSPCD T&I.	Certificate of Occupancy	T&I/ Engineering	
26	Landscaping should be installed and maintained in compliance with the American Nurserymen's Association Standards and in accordance with SZO §10.2.2 and §10.6.2. There shall be a minimum of one tree for each 1,000 sf of required landscaped area under SZO §10.3.	Perpetual	Planning	
27	Prior to acceptance by the City, any civic space, thoroughfare, or utility and the land upon which or within which it is located that is to be conveyed to the city must be certified by the Applicant to meet all Federal, State, and local environmental laws and other standards as they are applied at the time of conveyance. The Applicant is responsible for the preparation of all documentation necessary for the conveyance of these facilities to the City.	Certificate of Occupancy	ISD/ Planning	
Linkage				
28	Per the SZO, an affordable housing linkage fee and a municipal job creation and retention linkage fee will be due.	Building Permit/ Certificate of Occupancy	Planning/ Economic Development	
29	New sanitary connection flows over 2,000 GPD require a removal of infiltration and/or inflow by the Applicant. This will be achieved by submitting a plan for I/I work or a mitigation payment, established by the City Engineers Office, to the City based on the cost per gallon of I/I to be removed from the sewer system and a removal ratio of 4:1. If a different ratio of removal or mitigation payment amount is adopted by the Board of Aldermen prior to the Applicant receiving a Certificate of Occupancy, payment will be adjusted to the BOA rate. The Applicant shall work with Engineering and meet this condition before a certificate of occupancy is issued.	CofO	Engineering	
	The Applicant has agreed to sign a covenant establishing contributions as follows: These fees will be paid based upon a payment schedule established in the covenant. a. the Applicant shall contribute funds in the amount of \$2.40 per gross square foot of development of the project towards the City's payment to the MBTA in connection with the extension of the MBTA Green Line to Union Square, and construction of the MBTA Station (the "GLX Contribution"). For purposes of calculating the GLX Contribution, the square footage of structured parking permitted shall be excluded. Fifty percent (50%) of the GLX Contribution shall be due and payable when the Building Inspector issues the first building permit for each building that is part of the project and the remaining fifty percent (50%) shall be payable when the Building Inspector issues the Certificate of Occupancy for each such building;			

30	<p>b. the applicant shall contribute funds in the amount of \$1.60 per gross square foot of development of the project (the “Community Benefits Contribution”) in order to ensure that Union Square’s revitalization and redevelopment can address additional community needs. For purposes of calculating the Community Benefits Contribution, the square footage of structured parking permitted as a required part of the Project and Future Phases shall be excluded. The fee per square foot of the Community Benefits Contribution shall be adjusted annually by the change in CPI beginning on the CPI Adjustment Date until the date on which the Building Inspector issues the first building permit for such building;</p> <p>c. an infrastructure contribution which will be calculated by equitably spreading the cost of all off-site infrastructure to be paid by developers in Boynton Yards, across the developers based on a relative proportion of square footage of completed development to be provided on each site. The infrastructure contribution may include the cost of road upgrades, land provided for civic space, and improvement of civic spaces, provided that the civic spaces are not otherwise evenly distributed across the different developers within Boynton Yards. Per the covenant some or all of the infrastructure contribution may be provided by contributing in-kind improvements to infrastructure in Boynton Yards. The infrastructure payment due by DLJ will be offset by the \$60,000 contributed to the ongoing infrastructure study;</p> <p>d. the applicant shall contribute funds in the amount of \$1.97 per gross square foot of development of a Future Phase (the “Future Phase Contribution”). The Future Phase Contribution shall be in addition to, and not in substitution of, any payment required of the applicant for the GLX Contribution, Offsite Infrastructure Contribution, and/or Community Benefits Contribution required hereunder. The City, in its sole discretion, may allocate all or portions of each Future Phase Contribution to the City’s required GLX contribution, infrastructure, or community benefits needs. For purposes of calculating the Future Phase Contribution, the square footage of structured parking permitted as a required part of the Future Phase shall be excluded. The Future Phase Contribution would not be applied to the first 235,000 square feet of project development, which represents 24.73% of the buildable square footage of the applicant’s anticipated master plan (950,000 sq. ft. total).</p>	Building Permit	Planning/ Economic Development	
Transportation				
31	<p>Prior to the issuance of a building permit, Applicant shall provide a Transportation Access Plan (“TAP”) created by Applicant’s traffic engineer to the Planning Staff, which shall be acceptable to the Planning Staff and which shall show how the existing truck traffic in the Boynton Yards area, and on Earle Street, South Street, Windsor Place and Windsor Street in particular, will be accommodated during excavation, construction, and all other work, including but not limited to infrastructure work, including but not limited to water, sewer, electrical, plumbing, paving, painting, curbing and other infrastructure work (Applicant’s Work”).</p>	BP	T&I	

32	<p>At no time shall truck and automobile access for the operation of any businesses located at 29 Harding Street (97-B-17), 8 Harding Street (MLB 97-B-18), 34 Ward Street (97-B-16), 33 Earle Street (MLB 97-B-2, 24 and 25), 32 Ward Street ((97-B-15) and Parcel B-4 off Windsor Place, a/k/a 0 Windsor Place (MLB 97-B-3) (collectively the “Abutting Properties”), be blocked or materially and adversely impacted by the Applicant’s Work</p>	As noted	Planning	
33	<p>Applicant shall not close any public or private streets or ways, or impede access to travel along same, for trucks and automobiles, except as follows:</p> <p>A.</p> <ul style="list-style-type: none"> i. Applicant, at Applicant’s sole expense, shall, either: <ul style="list-style-type: none"> i. Redirect Gentle Giant car and truck traffic from South Street through Lot 5 (the Building 1 lot) and enter/exit to/from Gentle Giant Moving Co., Inc., or ii. Redirect Gentle Giant car and truck traffic from South Street through Parcel B-3 (the Building 2 lot) to and over the 22’ wide access and utility easement and enter/exit to/from Gentle Giant Moving Co., Inc., or iii. Relocate the existing entrance/exit to/from Gentle Giant Moving Co., Inc. onto Earle Street by creating a temporary entrance/exit to/from Earle Street or to/from Windsor Place which is located to the North of the existing entrance/exit, or to another location proposed by Applicant which is reasonably acceptable to Gentle Giant Moving Co., Inc., and has been approved by the City of Somerville, but in the event Applicant relocates the existing entrance/exit as described in 3.A.iii. above, it may only occur, provided that: <ul style="list-style-type: none"> a. If required based on the location of the relocated entry way, Applicant removes or relocates the existing Fire Hydrant (with all applicable approvals from the City of Somerville) which is located at the North side of the existing Earle Street entrance/exit to a place which does not impede either the existing or the temporary entrance/exit; b. Applicant obtains all approvals for, and performs all construction related to, creating a curb cut for said temporary entrance/exit; c. Such temporary relocation of said entrance/exit shall not materially impede Gentle Giant’s peak season operations which occurs between May 15 to September 15 of any year; d. Following the end of work on Earle Street, Applicant shall, at Applicant’s sole expense, remove said temporary entrance/exit and restore Gentle Giant Moving Co., Inc.’s existing entrance onto Earle Street. <p>B.</p> <p>Applicant shall ensure that Gentle Giant Moving Co., Inc. has unimpeded access for its trucks and automobiles to either South Street via Earle Street, or to Windsor Street and then to South Street via Windsor Place, or to another public way approved by the City of Somerville and reasonably acceptable to Gentle Giant Moving Co., Inc., from all of the Abutting Properties.</p>	As noted	Planning	

34	<p>A. Applicant shall not perform any excavation, construction or other work, including but not limited to water, sewer, electrical, plumbing, paving, painting, curbing and other infrastructure work, in, upon, over or under Earle Street, South Street, Windsor Place or Windsor Street in any way which impedes Gentle Giant Moving Co. Inc.'s access for its trucks and automobiles to or from all of the Abutting Properties either South Street via Earle Street, or to Windsor Street and then to South Street via Windsor Place, or to another public way (or private way with access to a public way) approved by the City of Somerville and reasonably acceptable to Gentle Giant Moving Co., Inc.</p> <p>B. In the event the City of Somerville asks the applicant to perform any excavation, construction or other work, including but not limited to water, sewer, electrical, plumbing, paving, painting, curbing and other infrastructure work, in, upon, over or under the thirty-foot-wide drain easement, or the Underground Water Recharge System easement, which are located on the Abutting Properties, applicant will not allow the same to be done between May 15 to September 15 of any year and shall not perform or allow any such work in any way which impedes Gentle Giant Moving Co. Inc.'s access for its trucks and automobiles to or from all of the Abutting Properties either South Street via Earle Street, or to Windsor Street and then to South Street via Windsor Place, or to another public way approved by the City of Somerville and reasonably acceptable to Gentle Giant Moving Co., Inc.</p>	As noted	Planning	
35	For as long as Gentle Giant Moving Co., Inc. operates at the Abutting Properties, the Applicant shall not install any curb extensions, bump-outs or raised tables or raised crosswalks in any manner other than as paint on the roadway.	As noted	Planning	
36	The applicant shall not be obligated to build the curb extensions, bump-outs or raised tables or raised crosswalks as a part of their City infrastructure contribution until such time as Gentle Giant Moving Co. is no longer operating at the Abutting Properties.	As noted	Planning	
37	Applicant will supply 12 short-term exterior bicycle parking spaces, which can be satisfied with an inverted U-type bicycle rack.	Certificate of Occupancy	T&I/Planning	
38	The Applicant must monitor and reassess traffic operations for at least ten intersections within the study area for a period of 6 months prior to and 2 years after the Certificate of Occupancy. Intersections must be approved by the Transportation & Infrastructure Division.	As noted	T&I/Planning	
39	Employees and visitors of this building are prohibited from using any off-site parking spaces that are not provided for a fee in a parking facility that is operated as a Commercial Service Vehicular Parking use (aka Public Parking). Any surface parking prior to additional development on the adjacent areas of the Applicant's property must be paid public parking.	Perpetual	T&I/Planning	
Mobility Management				

40	Mobility management conditions below (conditions 41-56) are established and hereby incorporated into the Mobility Management Plan, as approved by the Director of Transportation & Infrastructure. The Director of Transportation & Infrastructure may modify or waive the provisions of these conditions if the Applicant provides satisfactory proof that the intended purpose of each condition is being achieved through other methods (i.e. vanpools that don't need parking spaces, etc.). The modification of these conditions by the Director of Transportation & Infrastructure shall not be permitted simply as a cost savings strategy.	Certificate of Occupancy	T&I/Planning	
41	The work space location or office for the on-site mobility management coordinator must be identified on updated floor plans and submitted to the Director prior to the submittal of Construction Documents for a Building Permit.	BP	T&I/Planning	
42	The identity and contact information of the on-site mobility management coordinator must be submitted to the Director prior to the issuance of the any Certificate of Occupancy for the building.	CofO	T&I/Planning	
43	Specific marketing and educational programs (the required posted and distributed information and annual educational meeting) must be reviewed and approved by the Director prior to the issuance of any Certificate of Occupancy for the building.	CofO	T&I/Planning	
44	In any lease agreement for a tenant with fifty (50) or more employees, the property owner shall require the lessee to submit a mobility management plan in accordance with the Directors standards for approval prior occupancy of the leased space. A copy of the lease agreement language must be submitted to the Director for approval prior to lease execution.	As noted	T&I/Planning	
45	Commercial floor space must be 'un-bundled' from the cost of parking. The rental or leasing of parking spaces in any parking facility must be provided as an option rather than a requirement of the rental, lease, or purchase of commercial floor space of 1 Earle Street. A copy of the lease agreement language must be submitted to the Director for approval prior the issuance of any Certificate of Occupancy for the building.	As noted	T&I/Planning	
46	To every extent practicable, the property owner shall work with all tenants to implement a program to advertise employment opportunities and seek qualified candidates that live within one-quarter mile of the site.	CofO	T&I/Planning	
47	In any lease agreement for non-residential uses, the property owner shall require the lessee to provide their employees with Qualified Transportation Fringe benefits per current U.S. Internal Revenue Code. A copy of the lease agreement language must be submitted to the Director for approval prior the issuance of any Certificate of Occupancy for the building.	CofO	T&I/Planning	
48	In any lease agreement for tenants, the property owner shall require the lessee to become a participating MassRIDES employer partner worksite that is registered for the MassRIDES Emergency Ride Home (ERH) program or to provide a similar guaranteed ride home service operated by the lessee. A copy of the lease agreement language must be submitted to the Director for approval prior to the issuance of any Certificate of Occupancy for the building.	CofO	T&I/Planning	

49	The property owner must provide complimentary shuttle service between 2 Earle Street and Kendall/MIT station of the MBTA's Red Line subway service and Sullivan Station of the MBTA's Orange Line subway service to employees of on-site tenants. Plans for the operation of this service must be submitted to the Director for approval prior the issuance of any Certificate of Occupancy for the building. Revisions to operations at any time require approval by the Director of Transportation & Infrastructure. This condition will expire when the Union Square Green Line Station is open and operational.	CofO	T&I/Planning	
50	The parking facility must be operated by the property owner or a management agency independent from any other tenants.	Perpetual	T&I/Planning	
51	A Parking Access and Revenue Control (PARC) system to manage vehicular access and the collection of parking payments from transient and non-transient patrons is required. A narrative description and plan of the proposed parking facility must be submitted to the Director for approval prior to the submittal of Construction Documents for a Building Permit. Plans submitted should identify all parking control features of the facility, such as the type and location of barriers or gates used to control access; the type and function of parking guidance systems and occupancy tracking equipment; the type and location of ticket validators, entry lane stations, and exit lane verifiers/stations; the location of the central cashier or automated pay station station(s); and the type and location of pass back controls.	Prior to BP	T&I/Planning	
52	The parking facility operator must charge market-rate prices for all motor vehicle parking spaces.	Perpetual	T&I/Planning	
53	Reserved			
54	Reserved			
55	At least twelve (12) parking spaces (5% of the total) must be designated and reserved for carpools or vanpools before 9:00AM on weekdays. More spaces may be provided but are not required. These spaces must be located closest to the main pedestrian entrance or exit of the facility (exclusive of spaces provided for the handicapped). These spaces must be shown on an updated parking layout plan for the facility that must be submitted to the Director for approval prior to the submittal of Construction Documents for a Building Permit.	Prior to BP	T&I/Planning	
56	The parking facility must provide a sign at the vehicular entrance to the parking facility that identifies, at minimum, the number of spaces available in real time.	Perpetual	T&I/Planning	
Civic Space & Landscaping				
57	The Applicant must submit detailed landscape plans with the Building Permit showing the calculation of the Green Score to the satisfaction of the Director of Transportation & Infrastructure.	BP	T&I/Planning	
58	The Applicant is responsible for the cost of design and construction of all civic spaces.	BP	T&I/Planning	
59	Applicant to provide more detailed plan drawings and sections with material and landscape specifications for Civic Spaces be submitted with the Building Permit application for review and approval by Planning, Transportation & Infrastructure, the Department of Public Works, and Traffic & Parking.	BP	T&I/Planning	

60	Unless the City establishes, with the developer, an alternative strategy to maintain a civic space, the Applicant is responsible for the maintenance of that civic space in perpetuity, and shall enter into a maintenance agreement for each such civic space.	Perpetual	T&I/ISD	
Site Design & Build Out				
61	The Applicant will continue to work with the Planning Staff on architectural design of the building to more closely incorporate the guidelines and standards in the Union Square Overlay District while remaining respectful to the conceptual intent (stacking industrial steel) presented by the Applicant's design team to the Planning Board on May 3, 2018. Architectural elevations must be approved by the Planning Director prior to any Building Permit application.	Prior to BP application	Planning	
62	New thoroughfares must be developed to establish specific dimensions of the new alleys and reconfiguration of Earle Street, Windsor Place, and South Street. The Applicant must provide a 50' scale new thoroughfares plan to the City. The Applicant shall work with City staff to finalize the details of each proposed new thoroughfare to ensure proper design and intersection with the existing thoroughfare network based on OSPCD T&I standards.	BP	T&I/Planning/ Engineering	
63	The transformers and trash room screens and doors will be designed as integral with the architectural character of the building so as not to be readily visible from any public right-of-way or future open space.	BP	T&I/Planning/ Engineering	
64	The loading area is accessed by a curb cut from Harding Street and is screened from view by overhead doors which will remain closed except when it is in use by a tractor trailer. The overhead doors will be designed to appear as part of the façade.	BP	Planning	
65	Lighting shall be appropriate to the pedestrian-oriented character of the intended mixed-use transit-oriented employment district and will ensure sufficient light for safety while minimizing glare and light trespass. Detailed fixture and lumen specifications must be submitted with the Building Permit application.	BP	Planning	
66	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.	BP	Planning	
67	Signage will be submitted and reviewed under a separate application.	As noted	Planning	
68	The Applicant must contact the Engineering Department to confirm the street addresses for all buildings prior to building permits.	Prior to BP application	Engineering/ Planning	
69	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	

70	Applicant shall submit plan drawings clearly showing all existing municipal fire alarm and related communications infrastructure to be impacted by proposed construction, including but not limited to underground conduit, above-ground alarm boxes and control cabinets. Applicant shall submit plan drawings clearly showing temporary and permanent relocation of all impacted fire alarm and communications infrastructure necessitated by private construction. Applicant shall meet with Lights and Line Division to discuss plans and address conflicts to avoid service interruption during construction and occupancy phases.	BP	DPW/Fire/ Engineering	
71	No large scale retail stores in excess of 20,000 square feet, no warehousing, no heavy industrial or manufacturing uses, other than small scale fabrication are permitted.	Perpetual	Planning	
72	In an effort to provide opportunities for small, independent and local businesses, the Applicant shall share retail plans with Union Square Main Streets and the Director of Economic Development, along with strategies to encourage such businesses, and report back to the Planning Board on this process.	As noted	Planning / Econ Dev	
73	Applicant shall provide material samples for exterior cladding, trim, and all fenestration to Planning Staff and the Design Review Committee for review, comment, and approval prior to each Building Permit application. Materials shall respect the unique and historic character of the Union Square and Boynton Yards neighborhood. Large expanses of highly mirrored glass surfaces are discouraged.	Building Permit	Planning	
74	Applicant shall provide an on-site mock-up or final building material samples (including color and texture) to Planning Staff and the Design Review Committee for review, comment, and approval prior to material acquisition during the construction process.	prior to material acquisition	ISD/Planning	
75	The Applicant, its successors or assigns, shall be responsible for maintenance of both the buildings 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.	Perpetual	ISD	
76	Buildings must be designed for flood tolerance to every extent practicable - such as emergency back-up systems for improving resiliency, utility improvement plans include hardening, and/or other hazard protection. These elements should be explained in the BP application or reasons for not considering flood tolerance must be provided.	BP	Planning/ Engineering	
Final Sign-Off				
77	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	Planning	