



CITY OF SOMERVILLE, MASSACHUSETTS
MAYOR'S OFFICE OF STRATEGIC PLANNING & COMMUNITY DEVELOPMENT
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MAYOR

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EXECUTIVE DIRECTOR

PLANNING DIVISION

PLANNING BOARD MEMBERS

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DOROTHY A. KELLY GAY
REBECCA LYN COOPER
GERARD AMARAL, (ALT.)

Case #: PB 2018-18

Site: 0 & 20 Inner Belt Road & 56 Roland Street

Date of Decision: November 29, 2018

Decision: Petition Approved with Conditions

Date Filed with City Clerk: December 12, 2018

PLANNING BOARD DECISION

Applicant Name: CPC-T Innerbelt, LLC

Applicant Address: Criterion Development Partners

Attn: Jack Englert, 1601 Trapelo Road, Suite 174, Waltham, MA 02451

Owner Name: Paradigm Direct Roland LLC c/o Kevin McCall

Owner Address: Paradigm Properties, LLC, 93 Summer Street, Boston, MA 02110

Owner Name: Somerville City Club c/o Frank Dardeno, Jr., Esq.

Owner Address: 20 Inner Belt Road, Somerville, MA 02145

Agent Name: Anthony Galluccio, Esq.

Agent Address: 1498 Cambridge Street, Cambridge, MA 02139

Alderman: Matthew McLaughlin

Legal Notice: Applicant, CPC-T Innerbelt, LLC, and Owners, Paradigm Direct Roland LLC and Somerville City Club, seeks Design & Site Plan Review for a subdivision under SZO §5.4 to subdivide multiple lots into three new lot, one of which will be a right of way. BB & IA Zone. Ward 1.

Zoning District/Ward: BB & IA Zone. Ward 1.

Zoning Approval Sought: SZO §5.4

Date of Application: October 11, 2018

Date(s) of Public Hearing: November 29, 2018

Date of Decision: November 29, 2018

Vote: 5-0

Appeal PB 2018-18 was opened before the Planning Board at Somerville City Hall in the 3rd Floor Conference Room on November 29, 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. On November 29, 2018, the Planning Board took a vote.



CITY HALL • 93 HIGHLAND AVENUE • SOMERVILLE, MASSACHUSETTS 02143
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I. DESCRIPTION:**Subject Property:**

The subject property consists of six lots of land. Five of the lots are located in the city of Somerville (Lots 1, 1A, 2, 3 and 4) and one of the lots (Lot 0202123000) is located in the city of Boston (Charlestown). The Site contains two buildings, one on Lot 1 and one on Lot 4. Lot 1 is currently owned by the Somerville City Club and the building is used as a bar and banquet hall space. Lot 4 contains one building that is currently used as office space for Piaggio Fast Forward, a company involved in the design of high tech robotic systems. The remainder of Lots 1 and 4 are used for automobile parking. Lot 1A and Lot 0202123000 are used as parking lots and Lots 2 and 3 are sewer and/or drainage easements.

Summary of Lots Inner Belt Road Assemblage Somerville and Charlestown, Massachusetts					
Lot ID	Address	City	Approx. Size (sq. ft.)	Current Use	Owner
Lot 1	20 Innerbelt Road	Somerville	32,589	Somerville City Club	Somerville City Club
Lot 1A	Not Listed	Somerville	43,682	Parking Lot	Paradigm Direct Roland LLC
Lot 2	Not Listed	Somerville	1,457	Includes sewer easement	Not Listed
Lot 3	Not Listed	Somerville	970	Sewer and drainage easements.	City of Somerville
Portion of Lot 4	56 Roland Street	Somerville	15,000	1-story brick office building	Paradigm Direct Roland LLC
0202123000	75 Crescent Street	Boston (Charlestown)	1,500	Easement parking, retaining structure	Gerald Berberian A TS

II. DESCRIPTION OF PROPOSAL

The subdivision is proposed to create two building lots. One lot will consist of the northerly portion of the Paradigm parking lot and will be the site of a proposed hotel. The second lot will consist of the southerly portion of the Paradigm parking lot, the City Club lot and additional land owned by Paradigm occupied by a single story building. This lot will be the site of a proposed mixed-use, residential project. Each of the proposed development projects is described in zoning applications currently under review. The subdivision will also carve out a public right-of-way that follows the alignment of an MWRA sewer easement that bisects the Paradigm parking lot. This roadway, will effectively connect Roland St in Boston to Inner Belt Rd, and will be turned over to the City of Somerville if accepted as a public way.

III. FINDINGS FOR DESIGN AND SITE PLAN REVIEW (SZO §5.4):

Section 8.8 of the SZO allows the Planning Board to consider approval of all subdivisions, lot splits, lot mergers, and lot line adjustments, lot splits under Section 5.4 of the Ordinance, as follows:

5.4.6. Findings and Compliance.

A. The Planning Board shall approve an application for Design and Site Plan Review upon verifying that the submitted plan conforms with the provisions of this Ordinance and demonstrates consistency to the following:



1. The adopted comprehensive Master Plan of the City of Somerville, existing policy plans and standards established by the City, or to other plans deemed to be appropriate by the Planning Board;

The adopted comprehensive Master Plan of the City of Somerville promotes site assemblage and redevelopment in transformative districts.

2. The purpose of this Ordinance in general;

The proposal is consistent with the general purposes of the Ordinance as set forth under §1.2, which includes, but is not limited to facilitate the adequate provision of transportation, water, sewerage, schools, parks and other public requirements; to conserve the value of land and buildings; and, to encourage the most appropriate use of land throughout the City.

3. The purpose of the district where the property is located; and

The parcels are located in the IA and BB zones. The proposal to adjust the lot lines will not directly have an impact on the purpose of the zoning districts. Neither the IA or BB district has a minimum lot size or frontage requirement.

4. Considerations indicated elsewhere in this Ordinance for the required Design and Site Plan Review.

N/A

B. The Planning Board may reject a design and site plan only when:

1. The submittal fails to furnish adequate information required for review;

Staff finds that the information provided is sufficient.

2. The imposition of reasonable conditions would not ensure compliance to standards, as applicable; and/or

The developments that will be proposed on the new building lots will require numerous permits from the Zoning Board of Appeals and, if approved, Staff would recommend reasonable conditions to ensure the project would comply with applicable City standards and regulations.

3. The submittal, although proper in form, includes or creates an intractable problem so intrusive on the needs of the public in one regulated aspect or another and cannot be adequately mitigated.

The developments that will be proposed on the new building lots will require numerous permits from the Zoning Board of Appeals and, if approved, Staff would recommend reasonable conditions to ensure the project does not create intractable problems so intrusive on the needs of the public in one regulated aspect or another and cannot be adequately mitigated.¹

C. The Planning Board may require the posting of a bond or other performance guarantee to assure compliance with the design and site plan and/or conditions, as approved.

¹ It's worth noting that this standard originates from case law interpreting the intent and legality of Site Plan Approval as a home rule element in zoning. No appellate court decision has upheld a denial of a site plan approval on the basis of an intractable situation. Therefore, Planning and Zoning Boards typically work towards establishing adequate conditions to address concerns of by-right proposals submitted through site plan review processes.



Since the developments that will be proposed on the new building lots will require numerous permits from the Zoning Board of Appeals, Staff does not think that a bond or performance guarantee is necessary at this time.

III. DECISION:

Based on the materials submitted by the Applicant and the attached findings, the Planning Board finds that the application for the Special Permit with Site Plan Review meets the goals of the City for this site, the purposes of the district, and the provisions and purposes of the Ordinance. Therefore, the Board recommends **CONDITIONAL APPROVAL** of the requested **DESIGN AND SITE PLAN APPROVAL**.

All additional findings and conditions attached are applicable.

Approval does not include the design of the storefronts or first floor retail signs. The storefront design and signage are subject to Board review to ensure that the design is consistent with standards.

The recommendation is also based upon a technical analysis by the Planning Board of the application material based upon the required findings of the Somerville Zoning Ordinance, and is based only upon information submitted prior to the public hearing. This report may be revised or updated with new recommendations, findings and/or conditions based upon additional information provided to the Planning Board during the public hearing process.

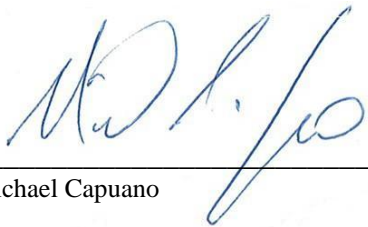
#	Condition	Timeframe for Compliance	Verified (initial)	Notes						
1	<p>Approval is for ONLY the adjustment of lot lines. This approval is based upon the following application materials and the plans submitted by the Applicant:</p> <table border="1"> <thead> <tr> <th>Date (Stamp Date)</th> <th>Submission</th> </tr> </thead> <tbody> <tr> <td>October 11, 2018</td> <td>Initial application submitted to the City Clerk's Office</td> </tr> <tr> <td>October 11, 2018</td> <td>Subdivision Plan of Land prepared by VHB, Inc.</td> </tr> </tbody> </table> <p>Any changes to the approved lot lines that are not determined to be minor by the Planning Director must receive Planning Board approval.</p>	Date (Stamp Date)	Submission	October 11, 2018	Initial application submitted to the City Clerk's Office	October 11, 2018	Subdivision Plan of Land prepared by VHB, Inc.	BP/CO	ISD/Plng.	
Date (Stamp Date)	Submission									
October 11, 2018	Initial application submitted to the City Clerk's Office									
October 11, 2018	Subdivision Plan of Land prepared by VHB, Inc.									
2	This approval does not grant permission for any development on the proposed lots. Future development proposed on the lots will be subject to applicable requirements of the Somerville Zoning Ordinance.	Perpetual	Plng.							



Attest, by the Planning Board:



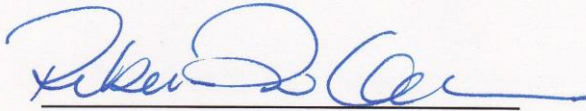
Joseph Favaloro



Michael Capuano



Dorothy A. Kelly Gay



Rebecca Lyn Cooper



Gerard Amaral

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 _____

