



City of Somerville

PLANNING BOARD

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

2021 FEB -4 P 2:09

CITY CLERK'S OFFICE
SOMERVILLE, MA

DECISION

CASE NUMBER: MPSP2020-002
PROPERTY ADDRESS: 101-153 South St., 34 Ward St., 29 Harding St., 33 Earle St.
OWNER: Boynton Yards LandCo, LLC
OWNER ADDRESS: 10 Post Office Square, Boston, MA 02109
DECISION: Approved with Conditions
DECISION DATE: February 4, 2021

This decision summarizes the public hearing and findings made by the Somerville Planning Board ("the Board") for the Master Plan Special Permit authorizing development in accordance with the Master Plan proposed by Boynton Yards LandCo, LLC (the Applicant) in the Boynton Yard subarea of the Master Planned Development overlay district.

LEGAL NOTICE

Boynton Yards Land Co. LLC proposes a Master Plan in the Boynton Yards subarea of the Master Plan Development overlay district, which requires a Master Plan Special Permit, for a 6.8-acre development site including a thoroughfare; multiple civic spaces totaling approx. 45,000 SF; and six buildings totaling approx. 1.365 million SF, including approx. 985,000 SF of commercial space, 340,000 SF residential space, 10% arts space, and 20,000 SF for a community center. Other addresses inclusive of this application are 34 Ward 29 Harding, and 33 Earle Street.

RECORD OF PROCEEDINGS

On September 3, 2020, the Somerville Planning Board held a virtual public hearing advertised in accordance with M.G.L. 40A and the Somerville Zoning Ordinance via GoToWebinar pursuant to Governor Baker's March 12, 2020 Order suspending certain provisions of the Open Meeting Law, M.G.L. Chapter 30A, §18. Present and sitting were Board members Chair Michael A. Capuano, Vice Chair Amelia Aboff, Clerk Sam Dinning, Jahan Habib, and Rob Buchanan. Vice Chair Aboff recused herself and left the meeting due to a potential conflict of interest. Following an overview presentation by the Applicant, Chair Capuano identified the proposed Master Plan as the realization of well-established long-term comprehensive planning goals. The Planning Board then opened the hearing to comments, questions, or concerns from members of the public both in support and opposition of the proposal. Chair Capuano left written testimony open until noon on Friday, September 11, 2020 and closed the in-person public comment portion of the hearing. The Planning Board asked initial questions of the Planning & Zoning Staff and the Applicant and voted 4-0 to continue the hearing until September 17, 2020.

On September 17, 2020, the Somerville Planning Board, meeting virtually via GoToWebinar, reopened the public hearing. Present and sitting were Board members

Michael A. Capuano, Amelia Aboff, Sam Dinning, Jahan Habib, and Rob Buchanan. Vice Chair Aboff recused herself and left the meeting due to a potential conflict of interest. Chair Capuano opened the hearing to discussion between the Board, Planning & Zoning Staff, and the Applicant concerning public feedback and comments, questions, and concerns raised by the Board. Planning & Zoning Staff communicated that a memo with analysis and proposed permit conditions was forthcoming following review of the proposed Master Plan by various City Departments. The Board discussed a number of options for connecting Boynton Yards to the north side of the tracks, both vehicular and pedestrian, and the potential for including a condition that development does not preclude a potential pedestrian bridge. Chairman Capuano reiterated the Board's purview in potentially requiring a pedestrian overpass as future transportation mitigation as development unfolds through individual site plan approvals. The Board discussed the intent of the Boynton Yards sub area and the MPD overlay district concerning the build out of floor area for commercial and residential principal uses and the development phasing proposed in the Master Plan. The Board reviewed guidance from the Union Square Neighborhood Plan, which Boynton Yards is a sub area of, concerning views to and from the Prospect Hill monument and plan objectives to create an iconic skyline as it is seen from Prospect Hill in consideration of the proposed series of attached general buildings in phase 4 of the Master Plan. The Board reviewed the design and functionality of the proposed thoroughfares network, the integration of new streets into the larger street network planned for Boynton Yards, the prioritization of the new east-west thoroughfare (i.e., Thoroughfare 1; "Archibald Query Way") for pedestrians, and the consolidation of services and vehicular traffic onto side streets and South Street. Chair Capuano and Mr. Buchanan raised concerns about the juxtaposition of the proposed building types for lots in close proximity to existing mid-rise buildings. The Board inquired about the traffic and parking implications of the proposal and public comments that the potential need for transportation mitigation, particularly for bicycle improvements. The Board also discussed the proposed phasing and build out of residential and commercial floor space in the Master Plan. Following the discussion, the Board voted 4-0 to continue the hearing until its next regularly scheduled October 1, 2020 meeting.

At the request of the Applicant, the public hearing was repeatedly continued until the next regularly scheduled meeting over the course of two months. On December 10, 2020, the Somerville Planning Board, meeting virtually via GoToWebinar, reopened the public hearing. Present and sitting were Board members Michael A. Capuano, Amelia Aboff, Sam Dinning, Jahan Habib, and Rob Buchanan. Vice Chair Aboff recused herself and left the meeting due to a potential conflict of interest. Staff The Applicant provided an update on its ongoing collaboration with the Union Square Neighborhood Council on a commitment letter to provide community benefits in addition to the development and progress on a development covenant concerning infrastructure with the City. The Board asked questions concerning transportation improvements, parking, the location of the required community center space, building massing, the bio-safety level of different types of laboratories, pedestrian connection over the MBTA's Fitchburg/Green Line ROW and discussed the matters with the Applicant and Staff. Mr. Dunford, Transportation Engineer at Vanasse Hangen Brustlin, reviewed the submitted

Transportation Impact Study and Mobility Management Plan with the Board and answered transportation and parking questions. Planning Director Lewis identified that the proposed Transportation Mitigation conditions for intersections and roadway improvements transmitted to the Board by Staff addressed many concerns identified by the submitted Transportation Impact Study. Following the discussion, the Board voted 4-0 to continue the hearing until January 7, 2021.

At the request of the Applicant, the public hearing was continued until January 21, 2020. On January 21, 2021, the Somerville Planning Board, meeting virtually via GoToWebinar, reopened the public hearing. Present and sitting were Board members Michael A. Capuano, Amelia Aboff, Sam Dinning, Jahan Habib, and Rob Buchanan. Vice Chair Aboff recused herself and left the meeting due to a potential conflict of interest. The Applicant provided an update concerning the Development Covenant between the Applicant and the City of Somerville and a commitment to collaborate with the Union Square Neighborhood Council throughout the build out of the Master Plan. The Board discussed clarifications to the proposed transportation mitigation conditions with Staff and the new language was read into the record. Mr. Buchanan proposed revisions to the some of the condition language originally proposed by Staff and recommended additional conditions to address a number of concerns raised by public testimony including, the location of the required floor space reserved for a community center principal use, the location of the required floor space reserved for principal uses form the arts & creative economy use categories, potential future pedestrian connections over the MBTA's Fitchburg/Green Line right-of-way from either proposed Phase 4 civic spaces, and the design of proposed buildings in close proximity to existing mid-rise buildings. The Board discussed the conditions with the Applicant and supported amending the list of proposed conditions for application to the MPSP, if approved.

FINDINGS

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

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

The Board finds that the proposed Master Plan will implement many of the objectives of SomerVision, the City of Somerville's comprehensive Master Plan; the Union Square Neighborhood Plan; and the Urban Design Framework adopted for the Boynton Yards sub area of the Master Planned Development overlay district including, but not limited to, the following:

- *To make Somerville a regional employment center with a mix of diverse and high-quality jobs.*
- *To link corridors, squares and growth districts to support future development and economic activity.*

- To transform key opportunity areas, such as [] Boynton Yards [] into dynamic, mixed-use and transit-oriented districts that serve as economic engines to complement the neighborhoods of Somerville.
- To ensure that Somerville has a mix of spaces for creative production, performance and exhibition, and that art is incorporated into the built environment.
- To design and maintain a healthy and attractive public realm that fosters community connection, including streets, sidewalks, and other public spaces.
- To ensure the infrastructure for all utilities is sufficient in capacity and quality, of the best available technology, redundant, and supportive of the desired level of future growth.
- To attract office and lab tenants from the life sciences, biotech, financial services, and technology fields to Union Square and Boynton Yards.
- To increase the supply of commercial office and lab space in the Union Square plan area.
- To create a new walkable street network, including alleys, that minimizes pedestrian and vehicular conflicts.
- To preserve or expand the amount of space provided to arts & creative enterprise uses across the neighborhood.
- To dedicate a minimum amount of space to new community center uses.

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

The Board finds that the proposed Master Plan is consistent with the intent of the Master Planned Development overlay district and the Boynton Yards sub area which are, in part, "To implement recommendations of SomerVision for transformational redevelopment; to implement design-based neighborhood and station area plans called for by SomerVision; and to implement the Boynton Yards Urban Design Framework adopted by the Planning Board."

3. The proposed alignment and connectivity of the thoroughfare network.

The Board finds that the proposed thoroughfares will contribute toward implementation of the planned future street network of Boynton Yard first proposed in the Union Square Neighborhood Plan and further refined by the Planning Board's Urban Design Framework for the Boynton Yard sub area of the MPD overlay district.

4. The gross floor area allocated to different use categories.

The Board finds the allocation of gross floor area to various uses to be appropriate and compliant with zoning requirements with at least seventy five percent (75%) of all floor space allocated for Commercial principal uses and the statutorily required minimum amount of floor area reserved for principal uses from the Arts & Creative Enterprise use categories and a Community Center are satisfied.

5. Mitigation proposed to alleviate any adverse impacts on utility infrastructure.

The Board finds that the Applicant's commitments to infrastructure improvements alleviate any adverse impacts on existing utilities and that proposed improvements are in accordance with all City standards.

6. Proposed development phasing.

The Board finds the proposed development phasing appropriate to respond to current market conditions and long-term objectives for the redevelopment of Boynton Yards as an urban employment center, as called for in the Union Square Neighborhood Plan.

7. Proposed on-street parking to address demand by customers of Retail Sales, Food & Beverage, or Commercial Services principal uses.

The Board finds the proposed amount of on street parking to be satisfactory and appropriate for the anticipated demand for short term parking in the plan area.

DECISION

Following public testimony, review of the submitted application materials and staff memo, and discussion of the statutorily required considerations, Chair Capuano moved to approve the Master Plan Special Permit and the proposed Master Plan. Mr. Dining seconded. The Board voted **4-0** to approve the Master Plan Special Permit, applying the following conditions:

Perpetual:

1. This Master Plan Special Permit (MPSP) certifies that development may proceed in accordance with the standards of the Boynton Yards sub area of the Master Planned Development overlay district and the superseding zoning districts specified on Map 8.3.12 (a) of the Somerville Zoning Ordinance.
2. Applying for development review for any proposed thoroughfare, civic space, or building type identified in the submitted Master Plan constitutes substantial use of this MPSP for the purpose of subsequent development entitlement.
3. Development must proceed as identified in Phase 1 (Section 1.11.1; Figure 1.13a Phasing Plan – Phase 1), Phase 2 (Section 1.11.2; Figure 1.13b Phasing Plan – Phase 2), Phase 3 (Section 1.11.3; Figure 1.13c – Phasing Plan – Phase 3), and Phase 4 (Section 1.11.4 & Figure 1.13d – Phasing Plan – Phase 4) of the approved Master Plan.
4. Except as approved in writing by the Director of Planning & Zoning, the Applicant may not apply for the development review of any thoroughfare, civic space, or building type in a succeeding phase until all thoroughfares, civic spaces, and building types are under construction for the preceding phase.
5. Except as approved in writing by the Director of Planning & Zoning, the Applicant may not apply for any Certificate of Occupancy for any building in a succeeding phase until a Certificate of Occupancy has been issued for all buildings in the preceding phase.

6. If a period of one (1) year lapses between the Site Plan Approval required for any thoroughfare, civic space, or building types and the date of decision of the preceding Site Plan Approval for any thoroughfare, civic space, or building type in the same phase, the Applicant must update the Planning Board on the anticipated schedule of permitting and construction at the next regularly scheduled Planning Board meeting.
7. Changes to the number or general configuration of lots; the proposed types of thoroughfares, civic spaces, or building types; and the percentage of commercial floor area, arts and creative enterprise space, and the community center provided is a major amendment to the approved Master Plan and is permitted only as a plan revision.
8. Land platting must result in a number and general configuration of lots and rights-of-way that is substantially equivalent to the C-101 Preliminary Lotting Plan of the submitted Master Plan.
9. The general alignment, connectivity, right-of-way width, and geometry of thoroughfares must be substantially equivalent to the thoroughfares shown in the approved Master Plan.
10. The design of all proposed new thoroughfares and improvements to existing thoroughfares must include measures that use plant or soil systems, permeable pavement or other permeable surfaces or substrates, stormwater harvest and reuse, or landscaping to store, infiltrate, or evapotranspire stormwater and reduce flows to sewer systems or to surface waters to every extent practicable.
11. Development must comply with the Development Covenant by and between the City of Somerville and Boynton Yards LandCo, LLC dated January 21, 2021, as amended.
12. The property owner(s) and all applicable future tenants must comply with the Master Mobility Management Plan dated July 2020, as approved and conditioned by the Director of Mobility's Final Approval dated August 24, 2020.
13. Boynton Yards LandCo, LLC, or their successor in interest, must maintain any sidewalk level protected bicycle facility, including but not limited to snow clearance, debris removal, and replacement of markings and delineators as needed, for any portions of the facility along the frontage of the development site that are not at street level.

Phase 2

1. Building 2 must be designed with the appearance of a two (2) to four (4) story podium facing Windsor Street.
2. To mitigate transportation impacts, the intersection of South St. & Windsor St. must be improved with, at least, protected or dedicated bicycle intersection treatments. Final intersection design must be approved by relevant City departments.
3. To mitigate transportation impacts, the northern side of South St. and the eastern side of Windsor St. must be improved with a curb separated protected bikeway or substantial equivalent. Final design must be approved by relevant City departments.

4. To mitigate transportation impacts, South St. between Harding St. and Medford St. must be improved as a one-way eastbound throughfare with a two-way bicycle facility on one side of the street. Final design must be approved by relevant City departments.
5. To mitigate transportation impacts, the intersection of South St. & Harding St. must be improved to, at minimum, to interconnect the required bicycle facilities of each segment of South Street. Final intersection design must be approved by relevant City departments.
6. To mitigate transportation impacts, the intersection of Medford St. and South St. must be improved to, at minimum, interconnect the required bicycle facility of South St. with the City's design for improvements to Medford St. and related pedestrian safety improvements. Final intersection design must be approved by relevant City departments.
7. To mitigate transportation impacts, the intersection of Ward St. & Harding St. must be improved in a manner that permits the later extension of Harding Street northward. Final intersection design must be approved by relevant City departments.
8. To mitigate transportation impacts, the intersection of Medford St. & Ward St. must be improved to interconnect with the City's design for improvements to Medford St. and related pedestrian safety improvements. Final intersection design must be approved by relevant City departments.

Phase 3

1. Building 3A must be designed with the appearance of a four (4) to six (6) story podium facing Harding and South Streets.

Phase 4

1. Twenty thousand (20,000) gross square feet of commercial floor space must be reserved for a community center principal use(s) in Building 4A or 4C with direct egress to either Civic Space Lot C2 or C3. The space must be identified on floor plans submitted for development review.
2. The design of Civic Space Lot C2 must not preclude the inclusion of a pedestrian bridge over the MTBA Fitchburg/Green Line rail right of way.
3. The design of Civic Space Lot C3 must not preclude the inclusion of a pedestrian bridge over the MTBA Fitchburg/Green Line rail right of way.

All Phases

1. A total of one hundred and two thousand seven hundred (102,700) gross square feet of commercial floor space must be reserved for uses from the arts and creative enterprise principal use categories by the completion of Phase 4 and may be allocated across Building 1, Building 2, Building 3A, Building 3B, Building 4A, Building 4B, or Building 4C at the discretion of the Applicant. The specific floor space reserved for uses from the arts and creative enterprise principal use categories of Building 1, Building 2, Building 3A, Building 3B, Building 4A, Building 4B, and Building 4C must be identified on floor plans submitted for development review.

Site Plan Approval

1. Materials submitted for the development review of Building 4A must include perspective views oriented from vantage points at the Prospect Hill Monument looking toward Boynton Yards and beyond for consideration by the Planning Board.
2. Materials submitted for the development review of Building 4B must include perspective views oriented from vantage points at the Prospect Hill Monument looking toward Boynton Yards and beyond for consideration by the Planning Board.
3. Materials submitted for the development review of Building 4C must include perspective views oriented from vantage points at the Prospect Hill Monument looking toward Boynton Yards and beyond for consideration by the Planning Board.


Prior to Construction Permitting

1. Boynton Yards LandCo, LLC must post a performance bond for 125% of the total estimated costs to design and construct the proposed civic spaces of Lots C1, C2, and C3 and all transportation impact mitigation identified by Phase 2 Conditions 2 through 8 prior to applying for any building permit, thoroughfare permit, or civic space permit for development subject to this MPSP decision, excluding Phase 1.
2. Thoroughfare lot T1 (i.e., Thoroughfare 1; "Archibald Query Way") must be dedicated to the public by a covenant or other deed restriction prior to the issuance of the required Thoroughfare Permit authorizing construction.
3. Civic space lot C1 must be dedicated to the public by a covenant or other deed restriction prior to the issuance of the required Civic Space Permit authorizing construction.
4. Civic space lot C2 must be dedicated to the public by a covenant or other deed restriction prior to the issuance of the required Civic Space Permit authorizing construction.
5. Civic space lot C3 must be dedicated to the public by a covenant or other deed restriction prior to the issuance of the required Civic Space Permit authorizing construction.

Attest, by the Planning Board:

Michael A. Capuano, Chair
Sam Dinning, Clerk
Jahan Habib
Rob Buchanan

Attest, by the Director of Planning & Zoning:



Sarah Lewis

CLERK'S CERTIFICATE

Any appeal of this decision must be filed within twenty days after the date this notice is filed in the Office of the City Clerk and must be filed in accordance with M.G.L. c. 40A, sec. 17 and SZO sec. 15.5.3.

In accordance with M.G.L. c. 40 A, sec. 11, no variance shall take effect until a copy of the decision bearing the certification of the City Clerk that twenty days have elapsed after the decision has been filed in the Office of the City Clerk and no appeal has been filed, or that if such appeal has been filed, that it has been dismissed or denied, is recorded in the Middlesex County Registry of Deeds and indexed in the grantor index under the name of the owner of record or is recorded and noted on the owner's certificate of title.

Also in accordance with M.G.L. c. 40 A, sec. 11, a special permit shall not take effect until a copy of the decision bearing the certification of the City Clerk that twenty days have elapsed after the decision has been filed in the Office of the City Clerk and either that no appeal has been filed or the appeal has been filed within such time, is recorded in the Middlesex County Registry of Deeds and indexed in the grantor index under the name of the owner of record or is recorded and noted on the owner's certificate of title. The person exercising rights under a duly appealed Special Permit does so at risk that a court will reverse the permit and that any construction performed under the permit may be ordered undone.

The owner or applicant shall pay the fee for recording or registering. Furthermore, a permit from the Division of Inspectional Services shall be required in order to proceed with any project favorably decided upon by this decision, and upon request, the Applicant shall present evidence to the Building Official that this decision is properly recorded.

This is a true and correct copy of the decision filed on Feb. 4, 2021 in the Office of the City Clerk, and twenty days have elapsed, and
FOR VARIANCE(S) WITHIN

there have been no appeals filed in the Office of the City Clerk, or
 any appeals that were filed have been finally dismissed or denied.

FOR SPECIAL PERMIT(S) WITHIN

there have been no appeals filed in the Office of the City Clerk, or
 there has been an appeal filed.

Signed John J. Long City Clerk Date Mar. 1, 2021