



City of Somerville

## PLANNING BOARD

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

### DECISION

**CASE NUMBER:** PB#07.10-R1-06.20  
**OWNER:** Federal Realty Assembly Square, LLC  
c/o David Webster, Federal Realty Investment Trust  
450 Artisan Way Suite 320, Somerville MA 02145  
**PROPERTY:** **133 Middlesex Avenue**  
**PUBLIC HEARING:** June 11, 2020  
**DECISION DATE:** June 11, 2020  
**DECISION FILING:** June 23, 2020  
**REQUIRED PERMITS:** **REVISION TO SPSR-A**  
**DECISION:** **APPROVED WITH CONDITIONS**

NOTE: As a revision to an existing approval, Section 7.4.3.c. of the current Somerville Zoning Ordinance specifies "Real property subject to a previously approved Planned Unit Development (PUD) Preliminary Master Plan may be developed in accordance with the provisions of the Somerville Zoning Ordinance effective as of August 1, 2019."

This decision summarizes the proceedings and findings of the Planning Board regarding the application submitted for 133 Middlesex Avenue, which requires a revision to a Special Permit with Site Plan Review in PUD-A (SPSR-A) for any single commercial space over 10,000 square feet in leasable floor area by any permitted use in accordance with Section 7.11 to allow new office use and/or a mix of office, retail, and restaurant uses, in the existing building (formerly K-Mart tenant space) but there will be no change to the square footage from the prior permit approvals. The application was deemed complete on April 14, 2020 and is scheduled for a public hearing on June 11, 2020. This decision was filed with the City Clerk on June 23, 2020.

### SUMMARY OF PROPOSAL

Federal Realty Assembly Square, LLC is seeking a Revision to the SPSR-A Phase 1-AAA Assembly Square Marketplace, (PB#07.10, approved March 16, 2007), under the Planned Unit Development - Preliminary Master Plan (PUD-PMP) originally approved on December 14, 2006 (PB#2006-59 as amended) in the Assembly Square Mixed-Use District (ASMD) represented by Ward 1 Councilor Matt McLaughlin. The alterations are intended to accommodate new office use and/or a mix of office, retail, and restaurant uses, in the existing building but there will be no change to the square footage from the prior permit approvals. The proposed number of employees and hours of operation of the project will be determined by the tenants, which are unknown at this time.

The proposal is represented in the following documents and drawings:

- 133 Middlesex Avenue - Phase1AAA-SPRS-A-Revision-Compiled submitted by Federal Realty Assembly Square, LLC with a cover letter from VHB dated April 6, 2020
- 133 Middlesex Avenue, layout & materials plan, C-4, revised, 042720 prepared by VHB and dated April 21, 2020
- 2020\_06\_04\_ASR\_Potential Office Tenant prepared by StreetWorks and dated June 4, 2020

## RECORD OF PROCEEDINGS

On June 11, 2020 the PB held a public hearing. Present and sitting at the public hearing were Members Michael Capuano, Amelia Aboff, Jahan Habib, Sam Dinning, and Alternate Rob Buchanan.

Following public testimony and consideration of the statutory requirements to approve or deny the revision to the SPSR-A, Michael Capuano moved to approve the Master Plan Special Permit and additional Special Permits with conditions. Sam Dinning seconded. The Board voted 5 to 0 and the motion passed.

## FINDINGS

All SPSR-A applications under the PUD-PMP shall include information required to ensure compliance with the decision. This section of the report addresses the findings per the SZO Section 6.4.11.F. Modifications to Approved Site Plans requires “a revised site plan to the SPGA for review and approval, and the same standards and procedures applicable to the review of the original site plan shall apply”. As such, all requirements are met under Section 6.4.9.C. Special Permit with Site Plan Review-A (SPSR-A) - Criteria for Review. However, a few changes are noted to specific line items;

“1) Whether traffic impact and proposed mitigation, if any, is consistent with any applicable Transportation Study, Traffic Access and Impact Study and/or Transportation Demand Management Plan, and the goals and objectives of the ASD Plan;”

There will be no changes to the vehicular circulation and the proposed change in use is anticipated to result in an overall reduction in trip generation from anywhere between 1500-2000 new weekly daily trips from the existing retail.

“4) Additional Findings and Determinations: Prior to granting a Special Permit with Site Plan Review-A, the SPGA shall make findings and determinations that the Development:

c) Will not create materially 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, and the sidewalks and footpaths for pedestrian traffic;”

In order to improve pedestrian access to the new entrance, a series of crosswalks is being proposed to define routes. These pedestrian improvements will eliminate two parking spaces, leaving 1,129 parking spaces provided for the entire Mall.

The change in use will result in increased sewer flow generation from the former K-Mart space. However, the sewer flow generation will not exceed the total approved as part of the Full Build condition of the Assembly Row PUD-PMP [PB 2006-59-R2(05/2014)], as remaining development will be adjusted in order to comply with previously approved PUD-PMP sewer flow generation.

“g) 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 will be reviewed under separate application in accordance with the SZO and PUD-PMP procedures. The proposed “art opportunity” outlined on the south elevation will also require review and approval by Planning Staff prior to installation.

“h) Exposed transformers and other machinery, storage, service and truck loading areas, dumpsters, utility buildings, and other similar structures shall be effectively screened by plantings and other screening methods so that they are not directly visible from either the proposed Development or surrounding properties;”

The loading area will continue to be hidden by the existing screen wall on the south side of the building. Any additional machinery, mechanical equipment, or utility infrastructure (such as transformers) will be screened as required by the SZO.

## **CONDITIONS**

Following review of the submitted application materials, public testimony, and the above findings, the Planning Board **APPROVES** the revision to the SPSR-A, subject to the following conditions:

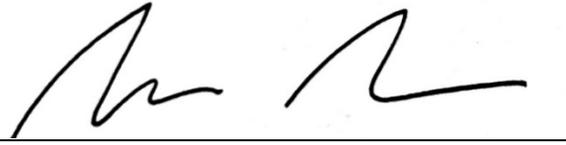
### **Prior to Building Permit**

1. The Applicant shall verify in writing to Planning Staff that there are no unmet or outstanding conditions of the existing approval prior to any application for Building Permit.
2. As required by the PUD-PMP, prior to occupancy of office uses within any development block, the Applicant shall submit for review and comment by the Planning staff, a Transportation Demand Management Plan designed to minimize the amount of parking demand associated with the development, reduce single-occupant vehicle trips in and around Somerville, and encourage a transportation mode split where 50% of trips are made by walking, bicycling, or public transportation.
3. The Applicant shall provide short term bicycle parking spots in a quantities and locations consistent with the requirements of the SZO and approved by the Director of Mobility.
4. Exterior materials and colors must be submitted to the Director of Planning & Zoning for review and approval prior to the application for any Building Permit.
5. Details (dimensions, materials, colors, etc.) of any and all signage and/or art installations must be submitted to the Director of Planning & Zoning for review and approval prior to the application for any Building Permit.
6. If any additional machinery, mechanical equipment, or utility infrastructure (such as transformers) are necessary due to the change in use or subdivision of the internal space from those items currently in place as of the date of this decision, the Applicant will provide details of materials, dimensions, and colors of the necessary screening so that they are not directly visible from either the existing development or surrounding properties to the Director of Planning & Zoning for review and approval prior to the application for any Building Permit.
7. The Applicant will work with the Director of Mobility to identify safe and accessible pedestrian routes to and from the Orange Line MBTA station with special attention to areas from and through surface parking lots.

Attest, by the Planning Board:



Michael Capuano, Chair



Amelia Aboff, Vice Chair



Sam Dinning, Clerk



Jahan Habib



Rob Buchanan, Alternate

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  
Planning Board's proceedings are filed with the Planning & Zoning Division.

**CLERK'S CERTIFICATE**

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

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

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

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

This is a true and correct copy of the decision filed on \_\_\_\_\_ in the Office of the City Clerk, and twenty days have elapsed, and

FOR VARIANCE(S) WITHIN

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

FOR SPECIAL PERMIT(S) WITHIN

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

Signed \_\_\_\_\_ City Clerk Date \_\_\_\_\_