



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

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Case #: PB 2014-29-MA-0916
Site: Northpoint
Date of Decision: November 17, 2016
Decision: Petition Approved with Conditions
Date Filed with City Clerk: November 30, 2016

PLANNING BOARD DECISION

Applicant Name:	DW NP Property, LLC
Applicant Address:	One Kendall Square, Suite B3201, Cambridge, MA 02139
Property Owner Name:	DW NP Property, LLC
Property Owner Address:	One Kendall Square, Suite B3201, Cambridge, MA 02139
Agent Name:	Thomas N. O'Brien
Agent Address:	One Congress Street, 10 th Floor, Boston, MA 02114

<u>Legal Notice:</u>	NorthPoint Neighborhood Development Plan: (Case # PB 2014-29-MA-0916) Applicant/Owner DW NP Property LLC requests an Amendment to the Approved NorthPoint Neighborhood Development Plan with waivers for §6.6.4.B block perimeter limits abutting rail rights of way, §6.6.4.A for a dead end thoroughfare, and §6.6.5.C.4 for sidewalk requirements for street tree fencing or grates.
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<u>Zoning District/Ward:</u>	North Point Special District (NPSD zone). Ward 1.
<u>Zoning Approval Sought:</u>	§6.6.4.B, §6.6.4.A & §6.6.5.C.4
<u>Date of Application:</u>	September 28, 2016
<u>Date(s) of Public Hearing:</u>	November 17, 2016
<u>Date of Decision:</u>	November 17, 2016
<u>Vote:</u>	5-0



Appeal #PB 2014-29-MA-0916 was opened before the Planning Board at Somerville High School on November 17, 2016. 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 one hearing of deliberation, the Planning Board took a vote.

DESCRIPTION:

DivcoWest proposes to transform an existing unproductive area of Somerville into an integral part of a new and vibrant work-live-play urban community consistent with the goals identified in SomerVision for Transformational Mixed-Use areas. The Somerville portion of the project, which has land parcels both partially and wholly within Somerville, will incorporate a diverse mix of commercial uses including high-end office space, a grocery store, fitness center, and commercial parking balanced with an appropriate amount of ground-level retail.

The overall NorthPoint project as a complex long-term mixed use development has not changed, although certain aspects of the project have evolved over time in response to changing social and economic conditions. It is the intent of this submission to amend the previously established Neighborhood Development Plan for the Somerville portion of NorthPoint to advance the next stage of NorthPoint. The immediate next stage of development includes construction of two new Commercial Buildings in Somerville. Site preparation and clean-up activities have been completed in anticipation of also commencing construction of all NorthPoint roadways and utilities in 2017.

Key Proposed Changes: The key proposed changes to the Neighborhood Development Plan described in this application are as follows:

1. Change in use of the Somerville parcels to more commercial. Specifically, two office/lab buildings in Somerville will now be the first commercial development in NorthPoint and the first two buildings constructed by DivcoWest. Construction of both Commercial Buildings is projected to commence in 2017.
2. Total development of up to approximately 747,458 square feet in Somerville, an increase of up to approximately 95,285 square feet from the previously approved Neighborhood Development Plan.
3. Reconfiguration of the parcel lines to accommodate changes to roadway network, resulting in Parcels E and F being merged into Parcel EF (almost entirely in Somerville), Parcels J and K being merged into Parcel JK (partially in Somerville), Parcel G being located partially within Somerville, Parcel A being split into separate Parcels A and B (each partially in Somerville), and minor changes to Parcels C and D (each partially in Somerville).
4. Reconfiguration of civic space consistent with the new road network and parcels, resulting in an increase in civic space in Somerville.

In addition, the Applicant has engaged architects for both Parcel JK and EF to advance the design of two buildings with Commercial Office, R&D and/or Laboratory, Retail and Consumer Services, or a combination of these uses. Submission materials for Design Review are being prepared for Parcel JK and EF with the goal of breaking ground on NorthPoint's first buildings dedicated to Commercial Office, R&D and/or Laboratory, Retail and Consumer Services, or a combination of these uses in the near term. Together these two parcels represent the majority of the proposed non-Residential uses in Somerville totaling approximately 520,000 square feet.



FINDINGS FOR NEIGHBORHOOD DEVELOPMENT PLAN REVIEW (SZO §5.7 & §6.6.3):

Based on review of the submitted Neighborhood Development Plan, the Board finds that the proposal meets all of the requirements outlined in §6.6.3.A.3 of the SZO. This section of the report goes through the findings required by §6.6.3.A.3 in detail.

1. ***The Board finds that the submitted Neighborhood Development Plan demonstrates conformance to the adopted 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.***

SomerVision, the comprehensive Master Plan of the City of Somerville, establishes a series of aspirational targets for economic development, open space improvement, housing growth, transportation, and land use detail below:

The SomerVision Numbers

- 30,000 New Jobs
- 125 New Acres of Publically-Accessible Open Space
- 6,000 New housing Units, 1,200 Permanently Affordable
- 50% of New Trips via, Transit, Bike, or Walking
- 85% of New Development in Transformative Areas (as identified by the SomerVision Map)

The submitted Neighborhood Development Plan contributes toward the first three of these aspirational targets as follows:

	Existing	Proposed
Dwelling Units:	0	235
Estimated Affordable Units:	0	29
Commercial Sq. Ft.:	0	520,000 sq. ft.
Estimated Employment:	0	1700
Publicly Accessible Open Space:	0	0.6 acres

In relationship to transportation mode share, the 2002 NorthPoint Transportation Impact Study targeted person trips to and from uses within the NorthPoint neighborhood by modes other than the automobile at 60% for Office & R&D, 90% for Retail, 48% for Residential, and 25% for Hotel – well within range of the SomerVision target when taking into consideration the build-out program proposed for the Somerville portions of NorthPoint. Finally, NorthPoint is located entirely with the area of the city identified as an “Area to Transform” on the SomerVision map, satisfying SomerVision’s goal for having new development be focused in predetermined Transformative areas of the city.

The Board finds the submitted revisions to the Neighborhood Development Plan in conformance with the original approved plan and supplemental documents.

2. ***The Board finds that the submitted Neighborhood Development Plan demonstrates consistency with the purpose of the North Point Special District and of the Somerville Zoning Ordinance in general.***

The submitted Neighborhood Development Plan is consistent with the purpose of the North Point Special District which is: “to support the development of a comprehensively planned neighborhood of mixed-use, moderate- to high-density development within easy walking distance to transit and having the following characteristics:

1. An interconnected street grid and comprehensive thoroughfare network that distributes multi-modal circulation throughout the entire North Point neighborhood;
2. Thoroughfares that accommodate all modes of transportation - pedestrians, bicycles, public transit, and private motor vehicles.



3. Thoroughfares that feature frequent intersections, on-street parking, and large street trees to promote safe vehicular operating speeds by modulating the appearance and feel of the street space to drivers;
4. Appealing physical connections to surrounding areas including East Cambridge, the Community College Orange Line T-Station via the Gilmore Bridge, DCR New Charles River Basin Park, and regional pathways;
5. Pedestrian infrastructure that is accessible to and usable by persons with disabilities;
6. A North First Street extension as the primary connection to East Cambridge;
7. A distribution of diverse civic space types to serve the various social needs of neighborhood residents, workers, and visitors, including a public common;
8. A retail oriented plaza in close proximity to the relocated Lechmere T-Station;
9. Primary uses distributed throughout the neighborhood so that the many activities of daily living can occur within walking distance to residences and workplaces;
10. A constrained supply of parking spaces to encourage the use of public transit, bicycles, and walking in lieu of automobiles.
11. A diverse supply of residential unit types, sizes, and price points that meets the life-long housing needs of the community.
12. Architecture and landscape design that spatially defines civic spaces and thoroughfares as outdoor rooms and corridors.”

The submitted Neighborhood Development Plan is also consistent with the general purpose of the Somerville Zoning Ordinance as set forth under §1.2, which includes “to provide for and maintain the uniquely integrated structure of uses in the City; to provide adequate light and air; to facilitate the adequate provision of transportation, water, sewerage, schools, parks and other public requirements; to conserve the value of land and buildings; to encourage the most appropriate use of land throughout the City; to encourage housing for persons of all income levels; and to preserve and increase the amenities of the municipality.”

3. *The Board finds that the submitted Neighborhood Development Plan demonstrates compliance to the standards set forth in §6.6.4 Urban Design and §6.6.5 Thoroughfares.*

Submittal requirements for Neighborhood Development Plan Review require the following plan drawings so that the proposed thoroughfare network and design of individual thoroughfares can be properly evaluated:

Requirement	Plan Sheet Provided
Proposed Block & Lot Plan	NDP-1
Existing Thoroughfare Network Plan	NDP-2
Proposed Thoroughfare Network Plan	NDP-3
Proposed Thoroughfare Layout & Geometry Plan	Appendix A
Proposed Cycling Infrastructure Plan	NDP-5
Proposed Civic Space Plan	NDP-6
Existing & Proposed Utilities Plan	NDP 7 & NDP 8
Proposed Retail Frontage Plan	NDP-9

The Applicant has also included Revised Master Plan – Exhibit A, Locus Map – Exhibit B, Conceptual Pedestrian Level Perspective – Exhibit C, Axonometric Drawings – Exhibit D and D1, and plan sheet NDP-4, an enlarged detail of the proposed thoroughfares within Somerville.

6.6.4 Urban Design

§6.6.4.A. Thoroughfare Network

§6.6.4.A. requires that all thoroughfares intersect with other thoroughfares so that a network is formed, that thoroughfares align where possible with those on adjacent sites. In accordance with §6.6.4.A.3, a Waiver is



requested for a cul-de-sac at the far west end of the site where the property is constrained by the MBTA Commuter Rail right-of-way and the future Green Line Extension right-of-way.

The Board acknowledges that the proposed thoroughfare plan includes a dead-end thoroughfare with a cul-du-sac (West Boulevard). However, this thoroughfare is almost entirely within the municipal boundaries of the City of Cambridge and outside the jurisdiction of the City of Somerville. However, because the design of West Street has been proposed in such a manner that preserves the possibility of a bridge connection from Inner Belt Road to West Street, and the rest of North Point, while providing access to Lot A and the infill development at 22 Water Street, Staff finds that this thoroughfare segment is highly deserving of the waiver permitted under §6.6.4.A.3, had it been located at whole or in part within the City of Somerville.

The Board finds that the proposed thoroughfare network illustrated on the plan sheets included in the Neighborhood Development Plan complies with the intersection and alignment requirements of §6.6.4.A.

§6.6.4.B. Block Structure

§6.6.4.B.1 requires that the thoroughfare network be structured to define blocks with a total perimeter no greater than 1,400 feet and individual block faces no greater than 500 feet. The Somerville Zoning Ordinance defines block as “the aggregate land area circumscribed by thoroughfares or other rights-of-way.” Pursuant to §6.6.4.B.2, the Applicant previously requested a waiver from the requirements of §6.6.4.B.1. because the block containing developable lots within the City of Somerville abuts a rail right-of-way making strict adherence to the provision difficult while still maximizing developable land within Somerville.

There is no additional approval required.

§6.6.4.C. Lots

§6.6.4.C.1 requires that lots be platted to have a primary frontage abutting a thoroughfare and a lot width between 30 feet and 500 feet maximum.

The Board finds that the redesigned master plan and the combined lots EF and JK identified on plan sheet NDP-1 Proposed Lot and Block Plan all comply with the lot frontage and lot width standards of §6.6.4.B.

§6.6.4.D. Civic Space

§6.6.4.D.1 requires that at least 5% of the total land area of the development site be designed as publicly accessible civic space and be distributed throughout the site as a series of separate spaces of various types and sizes.

§6.6.4.D.2 exempts civic space designed as a public common from the block size requirements of §6.6.4.B.1.

Finally, §6.6.4.D.3 restricts civic spaces with only a north-facing exposure other sun from qualifying for the land area designed as civic space requirement of §6.6.4.D.1

The Board finds that the civic space proposed in the revised master plan complies with the requirements of §6.6.4.D.

The Board does not agree with the identification of Civic Space Areas #1 and #3 as “Public Common” on Table 4, page 3-20 of the proposal, as the intent of the NPSD that NorthPoint Common be the central green and provide the unstructured recreation. However, the specific design of individual civic spaces is not within the scope of the Neighborhood Development Plan Review process because it can be more properly addressed during the Design & Site Plan Review process required for each individual civic space. The Board anticipates resolving this discrepancy with the Applicant at that time.



The definition of a “public square” is more appropriate to Civic Space Areas #1 and #3 as shown on the submitted plan sheets - “a civic space type for unstructured recreation and civic purposes, free standing in the block pattern, with landscape consisting of formally disposed lawns, paths, and trees”. Civic Space Areas #2 and #3 may also be designed as Plazas or Pocket Parks.

§6.6.4.B. Build Out

The Board finds that the build-out projections indicated on page 3-18 of the Neighborhood Development Plan comply with the requirements of §6.6.4.E.

6.6.5 Thoroughfares

Thoroughfare is defined in Article 2 of the SZO as “a way for use by vehicular and pedestrian traffic and providing access to lots and open spaces.” Plan sheet NDP-4 identifies the existing and proposed thoroughfares of the neighborhood plan and enlarged detail of proposed thoroughfares within Somerville, including design details (street trees, lane markings, crosswalks, etc.) Plan sheet NDP-5 has a similar overall and an enlarged plan showing the Proposed Cycling Infrastructure.

The Board finds that the proposed thoroughfares identified in the Neighborhood Development Plan submittal comply with the provisions of §6.6.5.A.

§6.6.5.B requires that all thoroughfares be designed and constructed in accordance with the City of Somerville’s adopted thoroughfare design standards or, in the absence of adopted standards, that thoroughfares be designed and constructed in accordance to standards deemed to be appropriate by the Planning Board.

In seeking development review for lots within the City of Cambridge, the Applicant has typically submitted plan documentation for individual development parcels and the abutting thoroughfares that provide access to the site for review at the same time. The Board anticipates a similar process and expects the Applicant to submit Design & Site Plan Review applications for the proposed thoroughfares at a late date.

The Board recommends that the Planning Board attach a condition to the Neighborhood Development Plan Approval limiting approval of the proposed thoroughfares to the general alignment, connectivity, right-of-way width, and geometry of the proposed thoroughfares.

§6.6.5.C identifies specific dimensional standards for motor vehicle travel lands, motor vehicle parking lanes, bike lanes, sidewalks, sidewalk extensions, pedestrian crosswalks, and driveways & alley crossings.

A waiver is requested from the street tree grating and fencing requirements contained in Section 6.6.5.C.4.e of the SZO. This waiver will allow the street tree condition to remain consistent along Dawes Street as the street goes through both Somerville and Cambridge.

The Board finds that the proposed thoroughfares identified in the Neighborhood Development Plan submittal comply with the provisions of §6.6.5.C. and the waiver request is appropriate.

§6.6.5.D allows waiver for thoroughfares designed as a close may be granted a waiver from the requirements of 6.6.5.C at the discretion of the Planning Board.

The Board finds that there are no new requests as part of this Minor Amendment.

§6.6.5.E requires all water and sewer utilities, storm water management infrastructure, public lighting, and public furniture be designed and constructed according to criteria established by relevant City departments and/or adopted by the Planning Board.



The Applicant will submit separate packages for Design & Site Plan Approval for construction of the proposed thoroughfares at a later time.

The Board recommends that the Planning Board attach a condition to the Neighborhood Development Plan Approval requiring engineering plans to be submitted to the Planning Director and the City Engineer for approval of any water and sewer utilities or storm water management infrastructure that does not correspond with thoroughfare construction to ensure compliance to required standards.

DECISION:

Present and sitting were Members Kevin Prior, Joseph Favaloro, Michael Capuano, Dorothy Kelly Gay and Rebecca Lyn Cooper. Upon making the above findings, Kevin Prior made a motion to approve the request for the Amendment to the North Point Neighborhood Development Plan. Michael Capuano seconded the motion. Wherefore the Planning Board voted **5-0 to APPROVE** the request. In addition the following conditions were attached:

#	Condition	Timeframe for Compliance	Verified (initial)	Notes						
1	Approval is for the Amendment to the North Point Neighborhood Development Plan. This approval is based upon the following application materials and the plans submitted by the Applicant: <table border="1" style="margin-left: 20px;"> <thead> <tr> <th>Date (Stamp Date)</th> <th>Submission</th> </tr> </thead> <tbody> <tr> <td>September 28, 2016</td> <td>Initial application submitted to the City Clerk’s Office including all appendices</td> </tr> <tr> <td>November 8, 2016</td> <td>Plan Sheets: NDP-1 thru NDP-9 Appendix A</td> </tr> </tbody> </table> Any changes to the approved neighborhood development plan that are not <i>de minimis</i> must receive approval from the Planning Board.	Date (Stamp Date)	Submission	September 28, 2016	Initial application submitted to the City Clerk’s Office including all appendices	November 8, 2016	Plan Sheets: NDP-1 thru NDP-9 Appendix A	DSP/BP/CO	Planning/ISD	
Date (Stamp Date)	Submission									
September 28, 2016	Initial application submitted to the City Clerk’s Office including all appendices									
November 8, 2016	Plan Sheets: NDP-1 thru NDP-9 Appendix A									
2	Approval is limited to the general alignment, connectivity, right-of-way width, and geometry of the proposed thoroughfares only. Construction of thoroughfare requires an approved Design & Site Plan by the Planning Board	Prior to trench permit for roadway construction	Planning/Engineering							
3	The Applicant must submit engineering plans to the Planning Director and the City Engineer for approval of any water and sewer utilities or storm water management infrastructure that does not correspond to with the construction of a thoroughfare to ensure compliance to required standards.	Prior to trench permit for roadway construction	Planning/Engineering							



4	<p>As the City is in the process of developing a Municipal Job Creation and Retention Trust, the applicant will participate in supporting the Trust at a level expected of other developers in Somerville's transformative areas. The applicant will participate in the Trust as follows: For building J/K, the applicant will provide a Mitigation Contribution equal to \$1.40 per square foot (that is in Somerville) to the Trust payable at the time of building permit or at the time that the Trust is created if the Trust has not been yet set up at the time of building permit for building J/K. In the event that the Board of Aldermen establish a Jobs Trust Linkage Fee in the Somerville Zoning Ordinance prior to issuance of a building permit for J/K, AND if the linkage fee, as applied to J/K is less than \$1.40 per square foot, the applicant may submit the lesser fee.</p> <p>For all other buildings in the Somerville side of Northpoint, the applicant will make payments to the Trust according to the zoning in place at the time of Building Permit (and if no zoning is in place at the time of building permit, no payment is required).</p> <p>The applicant will also be required to make Project Mitigation Contributions to the Somerville Housing Trust as required by Article 15 of the Zoning Ordinance.</p>			
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Attest, by the Planning Board:



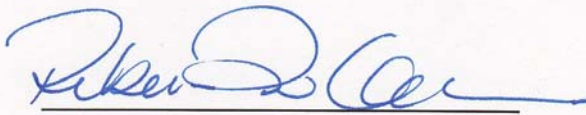
Kevin Prior, Chairman



Joseph Favaloro



Michael A. Capuano, Esq.


Dorothy A. Kelly Gay

Rebecca Lyn Cooper

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 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 _____

