



City of Somerville
ZONING BOARD OF APPEALS
City Hall 3rd Floor, 93 Highland Avenue, Somerville MA 02143

DECISION

PROPERTY ADDRESS: 28 Fitchburg Street
CASE NUMBER: P&Z 21-007
OWNER: Brickbottom I QOZB LP
OWNER ADDRESS: 610 West 26th Street, Suite 910, New York, NY 10001
DECISION: Approved (SPA)
DECISION DATE: August 17, 2021

This decision summarizes the findings made by the Zoning Board of Appeals regarding the development review application submitted for 28 Fitchburg Street.

LEGAL NOTICE

Brickbottom I QOZB LP proposes to develop a 4-story LEED Platinum commercial building in the Commercial Industry (CI) zoning district which requires Site Plan Approval.

RECORD OF PROCEEDINGS

On August 4, 2021 the Zoning Board of Appeals held a public hearing advertised in accordance with M.G.L. 40A and the Somerville Zoning Ordinance. Present and sitting were Zoning Board of Appeals members Susan Fontano, Josh Safdie, Anne Brockelman, Elain Severino, and Katherine Garavaglia. Brickbottom I QOZB LP provided an overview of the proposed 4-story LEED Platinum commercial building. OSPCD Executive Director Proakis provided background information on this project and how the site is key to the redevelopment of the Brickbottom neighborhood. The Board received public testimony. The public were in support of the project. The Board inquired about the open space to the north of the site, an adjacent separate parcel from the application. The Board had a concern around the 6' sidewalk along certain portions of the building frontage and pedestrian access. Would like to see a minimum of 7' sidewalk and resizing of the bioretention facilities. The Board then discussed how to impose an advisory condition for the sidewalk design without constraining the applicant. The board made a comment about the maintenance and repair of sidewalks and landscaping.

SITE PLAN APPROVAL FINDINGS

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

The Board finds that the proposal will help to achieve the following from SomerVision, the comprehensive Master Plan of the City of Somerville:

- Make Somerville a regional employment center with a mix of diverse and high-quality jobs.
- Support a business-friendly environment to attract and retain a diverse mix of businesses that can start here, grow here, and stay here.
- Link our corridors, squares, and growth districts to support future development and economic activity.
- Transform key opportunity areas, such as Assembly Square, Inner Belt, Brickbottom, Boynton Yards and the southeastern portion of Union Square into dynamic, mixed-use, and transit-oriented districts that serve as economic engines to complement the neighborhoods of Somerville.
- Design and maintain a healthy and attractive public realm that fosters community connection, including streets, sidewalks, and other public spaces.
- Increase active and alternative transportation options; reduce congestion and promote workplace-based policies and incentives for mode choice, work hours, and employment location.
- Expand bike and pedestrian culture by transforming existing infrastructure to accommodate for bicyclists and pedestrians, resulting in safe, accessible, and well-connected networks.

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

The Board finds that the proposal is consistent with the intent of the CI zoning district which is, in part, “to maintain industrial and commercial activities that provide employment opportunities and business-to-business commerce” and “to maintain already existing areas appropriate for moderate- and large-scale, low-rise and midrise buildings and community- and region-serving commercial uses []”.

3. Mitigation proposed to alleviate any impacts attributable to the proposed development.

The Board finds that proposal includes a number of building and site design features in direct response to community feedback received at neighborhood meetings and that Hawkins St Union Square LLC proposes to provide pedestrian safety improvements to both Hawkins and Lake Street, subject to approval by relevant City departments.

SPECIAL PERMIT FINDINGS

3. The suitability of the site for a household living principal use compared to other potential principal uses.

The Board finds that the proposal includes several design features in response to community feedback received at neighborhood meetings.

DECISION

Following public testimony, review of the submitted plans, and discussion of the statutorily required considerations, Clerk Safdie moved to approve the **SITE PLAN APPROVAL** with the conditions recommended by the Staff Memo and discussed at the meeting. Ms. Severino seconded. The Board voted **5-0** to approve the permit, subject to the following conditions:

Perpetual

- This Decision must be recorded with the Middlesex South Registry of Deeds.
- Construction documents must be substantially equivalent to the approved plans and other materials submitted for development review.
- Development must comply with the Development Covenant by and between the City of Somerville and Brickbottom I QOZB LP dated July 13, 2021, as amended.
- The property owner and applicable future tenants shall comply with the Mobility Management Plan submitted March 15, 2021, as approved and conditioned by the Director of Mobility.
- Any rights and interest of the City of Somerville 40' wide utility easement must be accommodated as required by the City Engineer.
- The property owner is responsible for all of the regular and long-term maintenance, replacement, insurance, and other applicable costs associated with all permitted improvements to Chestnut Street including, but not limited to, paving, site furnishings, street tree planters, and other associated stormwater management infrastructure.
- The underground structured parking must be operated as a Commercial Parking facility principal use.
- The underground structured parking must have a parking access and revenue control system to manage vehicular access and collect parking revenues from patrons.
- Utility meters are not permitted on any facade or within the frontage area of the lot.
- An annual report, including documentation of any changes to the layout plan or operations plan of the parking facility, must be submitted to the Mobility Division to validate continued compliance with the Somerville Zoning Ordinance, this Decision, and the Director of Mobility's standards for monitoring and annual reporting.
- Frontage area provided for a widened sidewalk along Chestnut Street must be designed and paved to properly correspond with any sidewalk improvements approved within the public right-of-way.

Prior to Building Permit

- The initial operations plan for the Commercial Parking facility identifying, at least, the type and pricing of various passes, rates, and fees must be submitted to the Director of Mobility.
- A pedestrian warning system must be provided for the vehicular entrance to the underground structured parking and loading docks to address potential conflicts

between pedestrians, cyclists, and motor vehicles. Final design must be approved by the Director of Mobility and the City Engineer.

- Physical copies of all development review submittal materials, as permitted by the Planning Board, must be submitted to the Planning & Zoning Division for the public record.
- A copy of the recorded Decision stamped by the Middlesex South Registry of Deeds must be submitted to the Planning & Zoning Division for the public record.
- Additional windows must be provided for the long-term bicycle parking room along the rear wall of the building.
- Material specifications from suppliers must be submitted to confirm fenestration glazing is compliant with the VLT and VLR ratings required by the Somerville Zoning Ordinance.
- An outdoor lighting plan and supplier cut sheet specifications of chosen lighting fixtures must be submitted to confirm compliance with Section 10.7 Outdoor Lighting of the Somerville Zoning Ordinance. The site photometric plan must include a keyed site plan identifying the location of all luminaires; total site lumen limit table (calculations from the SZO); lighting fixture schedule indicating the fixture type, description, lamp type, lumens, color temperature, color rendering index, BUG rating, mounting height, and wattage of all luminaires; and notation of any timing devices used to control the hours set for illumination.
- All Stage 2 documentation required by the LEED Certifiability Requirements must be submitted to the Office of Sustainability & Environment.
- A feasibility assessment for the hybrid and all-electric building systems scenarios identified in the application materials must be submitted to the Office of Sustainability & Environment and a presentation of the assessment's findings and the resulting design decisions made for the building's systems must be given to the Somerville Planning Board.
- Final design of the frontage area provided for a sidewalk along Chestnut Street must be approved by relevant City Departments to maximize width of the walkway to every extent practicable.

Prior to Certificate of Occupancy

- To mitigate transportation impacts, Chestnut Street must be improved with, at least, a new sidewalk, street trees, and a sidewalk level protected bikeway corresponding to the 28 Chestnut lot frontage. Final design must be approved by relevant City departments.
- To mitigate transportation impacts, Chestnut Street and Joy Street must be improved with an interim roadway level protected bikeway along the full extent of both thoroughfares. Final design must be approved by relevant City departments.
- A public right-of-way or pedestrian access easement must be provided in perpetuity by a covenant or other deed restriction for the full area of the sidewalk and curb ramps provided within the frontage area of the lot. Final easement language must be approved by the City Solicitor.
- All Stage 3 documentation required by the Office of Sustainability & Environment's LEED Certifiability Requirements.

- A written narrative or descriptive checklist identifying the completion or compliance with permit conditions must be submitted to the Inspectional Services Department at least ten (10) working days in advance of a request for a final inspection.

Attest, by the Zoning Board of Appeals:

Orsola Susan Fontano, *Chair*
Anne Brockelman
Elaine Severino
Josh Safdie
Katherine Garavaglia



Sarah Lewis,
Director of Planning & Zoning

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.

FOR SITE PLAN APPROVAL(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 _____