



City of Somerville

PLANNING BOARD

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

DECISION

PROPERTY ADDRESS: 74 Middlesex Ave.
CASE NUMBER: PZ 21-022
OWNER: 74M Property Owner, LLC
OWNER ADDRESS: One Federal Street, Suite 1804, Boston MA 02210
DECISION: Approved with Conditions (Site Plan Approval)
DECISION DATE: December 30, 2021

This decision summarizes the findings made by the Planning Board (the “Board”) regarding the development review application submitted for 74 Middlesex.

LEGAL NOTICE

74M Property Owner, LLC proposes to develop a 16-story LEED Platinum lab building in the Assembly Square Mixed Use District (ASMD), which requires Site Plan Approval.

RECORD OF PROCEEDINGS

On November 18, 2021, the Planning Board held a public hearing advertised in accordance with M.G.L. 40A and the Somerville Zoning Ordinance. Present and sitting at the public hearing were Board Members Vice Chair Amelia Aboff, Clerk Rob Buchanan, Erin Geno, Debbie Howitt Easton, and Russel Pildes. Chair Michael Capuano and Jahan Habib were absent. Following a presentation by the development team, the Board discussed the proposal with City Staff and asked questions of the development team. The property manager of the neighboring 99 Restaurant & LaQuinta Hotel expressed support for the proposal and was the only public testimony provided at the hearing. Additional discussion topics between the Board and the development team included façade design, hazardous waste disposal, building sustainability, utilities, and the location of certain amenities within the building. Vice Chair Aboff left written testimony open until noon on December 10, 2021. Following a motion by Vice Chair Aboff, seconded by Clerk Buchanan, the Board voted unanimously (5-0) to continue the case to December 16, 2021.

On December 16, 2021, the Board resumed the public hearing. Present and sitting at the public hearing were Board Members Chair Michael Capuano, Vice Chair Amelia Aboff, Clerk Rob Buchanan, Jahan Habib, Erin Geno, and Russel Pildes. Debbie Howitt Easton was absent. Following a presentation by the development team addressing previously raised questions, the Board discussed the building’s amenities and expressed support for the proposed architectural design.

SITE PLAN APPROVAL FINDINGS

In accordance with the Somerville Zoning Ordinance, the Board may approve or deny a site plan approval 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 proposal is consistent with the objectives of SomerVision 2040, the comprehensive Master Plan of the City of Somerville including, but not limited to, the following:

- Minimize the overall space in Somerville dedicated to personal vehicles.
- Build a sustainable future through climate leadership, balanced transportation, engaging civic spaces, exceptional educational opportunities, improved health, varied and affordable housing options, and the responsible use of our natural resources.
- Promote a dynamic urban streetscape that embraces public transportation, reduces car dependence, and is accessible, inviting, and safe for all pedestrians, bicyclists, and transit riders.
- Invest in the growth of a resilient economic base that is centered around transit, generates a wide variety of job opportunities, creates an active daytime population, supports independent local businesses, and secures fiscal self-sufficiency.
- Protect and foster the diversity of our people, culture, and economy.

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 ASMD zoning district which is, in part: to redevelop underutilized areas within close walking distance to the Assembly Square T-station with mixed-use, mid-rise and high-rise, transit-oriented development that will support the transformation of Assembly Square into an urban commerce center and to improve physical connections to surrounding areas, including East Somerville, Ten Hills, and Sullivan Square.

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

The Board finds that there are no negative impacts directly attributable to the proposed development.

DECISION

Following public testimony, review of the submitted plans, and discussion of the statutorily required considerations, Chair Michael Capuano moved to approve the **SITE PLAN APPROVAL** to develop a 16-story LEED Platinum lab building. Vice Chair Amelia Aboff seconded. The Board voted **6-0** to approve the permit, subject to the following conditions:

Perpetual

- This Decision must be recorded with the Middlesex South Registry of Deeds.
- This Decision does not authorize the removal of any public shade trees or private trees, which is subject to the Tree Preservation Ordinance (Chapter 12, Article VI) of the Somerville Code of Ordinances.
- Construction documents must be substantially equivalent to the approved plans and other materials submitted for development review.
- The applicant is responsible for the construction and all regular and long-term operations, maintenance, replacement, insurance, and other applicable costs associated with all improvements within the frontage areas abutting Middlesex Avenue and Kensington Avenue Neighborhood Park including, but not limited to, utilities and utility service, stormwater management infrastructure, landscaping, paving, furnishings, and other associated features.
- The underground structured parking must be operated as a Commercial Parking facility principal use.
- A sign must be provided near the vehicular entrance to the underground parking structured parking that identifies, at minimum, the number of spaces available in real time.
- 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.
- The property owner and applicable future tenants shall comply with the Mobility Management Plan submitted July 28, 2021, as approved and conditioned by the Director of Mobility.
- The Applicant or their successor in interest shall apply for LEED certification and provide evidence to the Office of Sustainability & Environment that a completed certification application and certification review fee were submitted to USGBC within one (1) year of the issuance of the first Certificate of Occupancy for the building.

Prior to Building Permit

- Physical copies of all development review submittal materials, as permitted by the Planning Board, must be submitted to the Planning, Preservation & 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, Preservation & Zoning Division for the public record.
- 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 Office of Sustainability & Environment's Net Zero Ready Certifiability Requirements for the subject certification program.
- All Stage 2 documentation required by the Office of Sustainability & Environment's LEED Certifiability Requirements.
- The building must be registered with the USGBC and evidence that the required registration forms were submitted, and registration fee were paid must be submitted to the Office of Sustainability & Environment prior to applying for a Building Permit.

Prior to Certificate of Occupancy

- All Stage 3 documentation required by the Office of Sustainability & Environment's Net Zero Ready Certifiability Requirements for the subject certification program.
- All Stage 3 documentation required by the Office of Sustainability & Environment's LEED Certifiability Requirements.
- 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 written narrative or descriptive checklist identifying the completion or compliance with permit conditions must be to the Inspectional Services Department at least ten (10) working days in advance of a request for a final inspection.

Attest, by the Planning Board:

Michael Capuano, *Chair*
Amelia Aboff, *Vice Chair*
Rob Buchannan, *Clerk*
Jahan Habib
Erin Geno
Russell Pildes



Sarah Lewis
Director of Planning, Preservation & Zoning
Office of Strategic Planning & Community Development

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 _____