



City of Somerville

PLANNING BOARD

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

DECISION

PROPERTY ADDRESS: 0 Kensington Ave.
CASE NUMBER: PZ 21-023
OWNER: 74M Property Owner, LLC &
City of Somerville
OWNER ADDRESS: One Federal Street, Suite 1804, Boston MA 02210
City Hall, 93 Highland Ave, Somerville, MA 02143
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 0 Kensington.

LEGAL NOTICE

74M Property Owner, LLC proposes to develop a Neighborhood Park 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. No members of the public appeared to provide any testimony. Additional discussion topics between the Board and the development team included gateway entrances, pedestrian connections, wayfinding, vegetation, and maintenance. 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 integration of the park to the abutting Kensington Connector.

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:

- To contribute publicly accessible open space towards the goal of developing 105 acres of open space by 2040.
- To create and program a network of vibrant public open spaces and shared use paths throughout the city that are multi-purpose, promote healthy living, and reflect changing recreational interests and cultural opportunities.
- To create new civic spaces within walking distance of resident's homes with a safe access route.
- To plant a diversity of tree species to ensure Somerville's urban forest is sustainable and resilient to climate change and invasive pest infestations.

The proposed civic space lot ownership will continue to remain with the City of Somerville with an operation and maintenance agreement for the Applicant to maintain the space in perpetuity. In order for the civic space to contribute to the City's open space inventory, the space must be clearly identified and readable as open meaningfully and successfully to the public. Civic space signage with the management company's contact information, a statement that the space is open to the public, as well as naming the civic space all contribute to ensuring the space is understood by the community as a public amenity.

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 neighborhood park civic space. 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 is not valid unless a land plat is approved to establish the 0 Kensington Avenue lot and 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 neighborhood park must be dedicated to the public by a covenant or other deed restriction.
- The applicant is responsible for the construction and all regular and long-term operations, maintenance, replacement, insurance, and other applicable costs associated with the neighborhood park including, but not limited to, utilities and utility service, stormwater management infrastructure, landscaping, paving, furnishings, and other associated features.
- The applicant shall provide a right of first refusal to the Somerville Memorialization Committee to name the neighborhood park.
- The applicant shall name the neighborhood park as specified by the Somerville Memorialization Committee.
- The neighborhood park must be provided with signage conforming to the standards in the Division of Public Space & Urban Forestry Park Specifications Handbook and including, at minimum, the name of the park, the management company's contact information, and a statement that the space is open to the public, along with the rules and hours of operation.
- The neighborhood park must be provided with signage, lighting, and other appropriate measures to ensure bicyclists yield to pedestrians on the shared path between the Kensington Connector and Middlesex Avenue.

Prior to Civic Space 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.

Conditions

- 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



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 _____