



City of Somerville

# PLANNING BOARD

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

**TO:** Planning Board  
**FROM:** Planning, Preservation & Zoning/Public Forestry and Urban Space  
**SUBJECT:** 0 Kensington Avenue, PZ 21-023  
**POSTED:** November 8, 2021

**RECOMMENDATION:** Approve with Conditions (SP)

Staff memos are used to communicate background information, analysis, responses to public comments, review of statutory requirements and other information from the Planning & Zoning staff to the Review Board members.

This memo summarizes the development review application submitted for 0 Kensington Avenue, identifies any additional discretionary or administrative development review that is required by the Somerville Zoning Ordinance, and provides related analysis or feedback as necessary. The application was deemed complete on October 4, 2021 and is scheduled for a public hearing on November 18, 2021. Any Staff recommended findings, conditions, and decisions in this memo are based on the information available to date prior to any public comment at the scheduled public hearing.

## 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.

## SUMMARY OF PROPOSAL

Applicant is proposing to construct a Neighborhood Park. The proposed civic space will produce 13,055 square feet of open space that is inclusive of 7,217 square feet of the existing City owned Middlesex Avenue Open Space and 5,838 square feet of Kensington Avenue to be combined as the new 0 Kensington Neighborhood Park. The improvements represent 26% of the applicant's total lot area, exceeding the 25% civic space requirement per SZO 7.4.6. The Neighborhood Park proposal includes 8,709 square feet of landscaped area, 11,489 square feet of pervious area, will provide 31 large canopy trees, and 158 linear feet of seating. The proposed program includes a water feature, trellis, movable and fixed furnishings, park lighting, a vegetated buffer adjacent of I-93, and a shared pedestrian and bicycle path.

## ADDITIONAL REVIEW NECESSARY

0 Kensington Avenue is located in between Middlesex Avenue and Mystic Avenue at Kensington Avenue, adjacent to the 74 Middlesex development in the Assembly Square Master Planned Development zoning district in the Assembly Square neighborhood represented by Ward 1 Councilor Matthew McLaughlin. The proposed civic space

requires Site Plan Approval. Site Plan Approval is the administrative review and approval of confirming development to address any potential impacts as necessary. The Planning Board is the decision-making authority for all discretionary or administrative permits required for the ASMD zoning district.

The proposed civic space aims to provide a public amenity for local residents of all ages and abilities. The major attraction of the civic space is a proposed water element, the urban beach, to provide cooling during summer months and passive visual interest to all users. Adjacent to the urban beach is an open lawn; colorful, sculptural trellis; and a series of angular raised planters with integrated bench seating and movable cafe style tables and chairs. A strong paving pattern visually connects the park spaces as well as an interior / exterior connection between the building lobby and adjacent plaza. The plaza area will provide the flexibility to use the Kensington Avenue for both emergency vehicle access and small events such as a market, festivals, or other community events.

The proposal includes plant materials that will consist of over 90 percent native species in conjunction with tree species that are low VOC emitting to aid in the reduction of greenhouse gasses and urban heat island effect. The proposed planting contributes towards a series of vegetated buffers to alleviate air and sound pollution concerns due to the proximity to I-93.

Lastly, a shared pedestrian and bicycle path is proposed at the southern part of the civic space to directly connect the Assembly Square and East Somerville neighborhoods by way of the Kensington Connector route under I-93 that crosses Mystic Avenue, through the proposed neighborhood park to connect with future Middlesex Avenue and Foley Street sidewalk and separated bike lane improvements in the Assembly Square District.

## **DESIGN REVIEW**

The proposal was reviewed by Somerville Urban Design Commission via the GoToWebinar meeting platform on May 25, 2021 and June 8, 2021. The Commission provided its official recommendation on July 9, 2021.

## **NEIGHBORHOOD MEETINGS**

The first neighborhood meeting was hosted by Ward 1 Councilor Matthew McLaughlin and the applicant on April 8, 2021 via a remote participation platform. The second neighborhood meeting was also hosted by the Ward Councilor and the applicant on July 28, 2021 via a remote participation platform. The summary of these meeting included in the materials submitted to the Planning Board is an accurate account of the event. During both meetings, there was consistent feedback in support of the bike room being positioned in a highly visible location rather than relegated to a back of house corridor as is frequently observed in commercial projects.

## **BACKGROUND**

On June 11, 2020, the applicant came before the Planning Board for approval of the required Master Plan Special Permit (MPSP) and Special Permit associated with the proposal. The Planning Board approved Special Permits for the proposed building of the Master Plan to exceed the maximum Floor Area Ratio (FAR) of 10.0, exceed the maximum permitted building height of 125 feet, and to authorize commercial uses over 10,000 square feet.

A Plan Revision (P&Z21-066) for a minor amendment to the MPSP was approved administratively on September 1, 2021. The revision made the City a co-applicant to include the existing Kensington Park property in the development (previously referred to as off-site improvements) enabling design clarification of the Neighborhood Park to incorporate the previously identified Through-Block Plaza at the Kensington Avenue right-of-way.

Following approval of the revisions to the previously issued Master Plan Special Permit, 74M Property Owner LLC is applying for the Special Permit required for the Neighborhood Park authorized by the Master Plan.

## **ANALYSIS**

The 0 Kensington Avenue site is currently composed of multiple passive open spaces and an underutilized right-of-way that have historically been underserving both the Assembly and East Somerville neighborhoods. The types of programs proposed for the neighborhood park were derived through a combination of the Design Review process with the Public Space and Urban Forestry Division, the applicant's Civic Space Study, and the required Neighborhood meetings. The combined feedback and analysis raised the need for the park to be inclusive of high quality site amenities and activities to ensure 18-hour park use, improve shared pedestrian and bicycle connections between the Kensington Connector and Middlesex Avenue, and install a vegetative strategy to address air and sound pollution.

City Staff have reviewed the submitted application materials and determined that the proposal is compliant with the Somerville Zoning Ordinance, however, a couple issues should be addressed by the Board:

- Despite the applicant's work to propose a neighborhood park that meets, at a minimum, the previously noted neighborhood needs, neighborhood meetings were well attended by a significant number of Mystic View Task Force (MVTF) members who provided the only recorded feedback in the applicant's submission. Mystic View Task Force feedback focused on air pollutants, pollinator habitat and benefits to MVTF property. Feedback from neighborhood residents was encouraged, however, there was significantly low attendance by actual residents of Assembly Square or East Somerville who may have provided additional ideas and feedback other than that of the Mystic View Task Force members. City Staff recognize this Environmental Justice neighborhood lacks open spaces and that there are air

pollution concerns, however we can plant for cleaner air we should not eliminate the proposed programs in this open space that can make a difference in the daily lives of our more vulnerable and underrepresented residents.

- With regard to the applicant's proposal to provide a shared pedestrian and bicycle connection between the Kensington Connector crossing and Middlesex Avenue, the narrative states that the team is committed to explore opportunities through pavement treatment, lighting elements and signage to create a safe space for pedestrian and bicycle circulation, however, the technical drawings and rendered plans lack the actual supportive material and spatial representation to guarantee the applicant will indeed deliver a safe space for circulation. It is vital to have clear signage and lighting emphasizing that bicycles need to yield to pedestrians using the park and path. In addition, the application does not indicate any team efforts to coordinate or speak with MassDOT, a major stakeholder at this important circulation point. Staff have recommended improvements to existing 'cow paths' and landscaping on MassDOT property as well as a commitment to maintenance such as snow and trash removal and upkeep between Marginal Road and I-93.

## **CONSIDERATIONS & FINDINGS**

The Planning Board is required by the Somerville Zoning Ordinance to deliberate each of the following considerations at the public hearing. The Board must discuss and draw conclusions for each consideration but may make additional findings beyond this minimum statutory requirement.

### Site Plan Approval Considerations

1. The comprehensive plan and existing policy plans and standards established by the City.
2. The intent of the zoning district where the property is located.
3. Mitigation proposed to alleviate any impacts attributable to the proposed development.

Information relative to the required considerations is provided below:

### Site Plan Approval + Special Permit

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

The proposal will assist significantly in achieving goals laid out in the SomerVision 2040 Comprehensive Plan concerning public space, the Somerville Open Space and Recreation Plan, and the Somerville Urban Forest Management Plan 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 intent of the ASMD zoning district is, the project continues 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 will improve physical connections to surrounding areas, including East Somerville, Ten Hills, and Sullivan Square.

The proposal will provide the development of a neighborhood park, in conjunction with the 74 Middlesex Avenue building.

Site Plan Approval

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

Public Space and Urban Forestry Staff believe this civic space proposal includes a number of amenities that will contribute to transforming the Assembly Square neighborhood into a destination and anchor for a newly developing area of Somerville. No other mitigation is proposed due to a perceived lack of remaining negative impacts directly attributable to the proposed civic space.

**PERMIT CONDITIONS**

Should the Board approve the required Site Plan Approval for the Neighborhood Park Civic Space, Public Space and Urban Forestry Staff and Planning, Preservation & Zoning Staff recommends the following conditions:

#### Permit Validity

- 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.

#### Public Record

- 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.

#### Construction Documents

- Construction documents submitted as part of the Civic Space Permit application must be substantially equivalent to the approved plans and other materials submitted for development review.

#### Legal Agreements

- The neighborhood park must be dedicated to the public by a covenant or other deed restriction.

#### Maintenance

- 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.

#### Public Space

- 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.

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.