



**CITY OF SOMERVILLE, MASSACHUSETTS**  
**MAYOR'S OFFICE OF STRATEGIC PLANNING & COMMUNITY DEVELOPMENT**  
**JOSEPH A. CURTATONE**  
**MAYOR**

GEORGE J. PROAKIS  
EXECUTIVE DIRECTOR

**PLANNING BOARD MEMBERS**

MICHAEL A. CAPUANO, *CHAIRMAN*  
JOSEPH FAVALORO, *CLERK*  
DOROTHY A. KELLY GAY  
REBECCA LYN COOPER  
GERARD AMARAL, (ALT)

**Case #: PB 2019-02**  
**Site:** 10-50 Prospect Street  
**Date of Decision:** March 21, 2019  
**Decision:** *Petition Approved with Conditions*  
**Date Filed with City Clerk:** April 5, 2019

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**PLANNING BOARD DECISION**

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**Applicant Name:** Union Square RELP Master Developer LLC  
**Owner Name:** The City of Somerville & Somerville Redevelopment Authority  
**Agent Name:** N/A  
**City Councilor:** Ward 2, Councilor Jefferson Thomas (J.T.) Scott

Legal Notice: Applicant, Union Square RELP Master Developer LLC and Owners, the City of Somerville and the Somerville Redevelopment Authority, seek a Design & Site Plan Review under SZO §5.4 and SZO §6.8 to merge and subdivide the multiple existing lots making up Block D2 (as identified in the Union Square Revitalization Plan and the Union Square Neighborhood Plan) into buildable lots and thoroughfares as proposed in the previously approved Coordinated Development Special Permit. TOD 100 and CCD 55-C underlying zoning district. Union Square Overlay District and CC7 and HR sub districts. Ward 2.

<u>Zoning District/Ward:</u>	Union Square Overlay District and CC7 and HR sub districts. Ward 2.
<u>Zoning Approval Sought:</u>	SZO §5.4 and §6.8
<u>Date of Application:</u>	February 14, 2019
<u>Date(s) of Public Hearing:</u>	March 21, 2019
<u>Date of Decision:</u>	March 21, 2019
<u>Vote:</u>	4-0

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Appeal PB 2019-02 was opened before the Planning Board at the Visiting Nurse Association, 259 Lowell Street, on March 21, 2019. 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. On November 8, 2018, the Planning Board took a vote.



**I. DESCRIPTION:**

The proposal is to merge and subdivide the existing parcels of land into six separate lots as follows:

- Lot 1 (a thoroughfare parcel) is comprised of all or portions of former parcels A, B, D, E, F, H, I, & K, along with portions of the discontinued Bennett Street.
- Lot 2 is comprised of all or portions of former parcels D, E, & G, along with portions of the discontinued Bennett Street.
- Lot 3 is comprised of all or portions of former parcels B, C, D, E, F, G, H, & K, along with portions of the discontinued Bennett Street.
- Lot 4 is comprised of all or portions of former parcels A, B, C, I, & J, along with portions of the discontinued milk place, Bennett Court & Bennett Street.
- Lot 5 is comprised of portions of former parcel L.
- Lot 20 is comprised of portions of former parcel H.

The proposal is compliant with the Somerville Zoning Ordinance. Per Section 6.8.8 of the Union Square Overlay District, all buildable lots are platted with a Lot Line abutting a thoroughfare or civic space; as a corner, interior, or ley lot; and with side lot lines that are generally rectilinear to the front lot line and straight throughout their length.

**II. FINDINGS FOR DESIGN & SITE PLAN REVIEW (SZO §6.8.5.D.5):**

*Per SZO §6.8.5.D.5, The Planning Board shall approve a required Design and Site Plan Review upon verifying that the submitted plans for the proposed development demonstrates the following:*

1. *Compliance with the standards of [Section 5.4](#) Design and Site Plan Review;*
2. *Consistency with the approved Coordinated Development Special Permit and any previously approved Special Permits, as applicable;*
3. *Consistency with the 2012 Union Square Revitalization Plan and the 2016 Union Square Neighborhood Plan, as amended; and*
4. *Conformance with all applicable provisions of this Ordinance.*

The Planning Board made the following findings:

1. The Board finds that the proposed subdivision is compliant with the standards of Section 5.4, as detailed below:

Per SZO Section 5.4, The Planning Board shall approve an application for Design and Site Plan Review upon verifying that the submitted plan conforms to the provisions of this Ordinance and demonstrates consistency with the following:

1. *The adopted comprehensive 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;*

The Board finds that the proposed subdivision is consistent with SomerVision, the comprehensive Master Plan of the City of Somerville and existing standards for platting land and the submittal of plat plans for approval through DSPR.

2. *The purpose of this Ordinance in general;*

The Board finds that the proposed subdivision is consistent with the purpose of the Somerville Zoning Ordinance, including encouraging the most appropriate use of land throughout the City.

3. *The purpose of the district where the property is located; and*

The Board finds that the proposed subdivision is consistent with the purpose of the Union Square Overlay District, including permitting flexibility in the legal subdivision or parcelization of land and fulfilling the goals of SomerVision, the 2003 Union Square Master Plan, the 2012 Union Square Revitalization Plan, and the 2016 Union Square Neighborhood Plan, as amended.

4. *Considerations indicated elsewhere in this Ordinance for the required Design and Site Plan Review.*

See findings for SZO §6.8.5.D.5.

2. The Board finds that the proposal is consistent with the approved Coordinated Development Special Permit and any previously approved Special Permits. A CDSP decision (Case# PB2017-21) was approved with conditions on December 14, 2017, including the following:
  - The proposal is consistent with Condition #3 requiring lots to be platted in a form that is substantially consistent with the Block and Lot Key Plan dated 11-07-2017.
  - The proposal is consistent with Condition #13, which restates the SZO in requiring Design & Site Plan Review for the parcelization and subdivision of land.
3. The Board finds that the proposed subdivision is consistent with the 2012 Union Square Revitalization Plan and the 2016 Union Square Neighborhood Plan, as amended.
4. The Board finds that the proposed subdivision is conforming to the provisions of the Somerville Zoning Ordinance, as follows:
  - A. *Per SZO §6.8.5.B.1, Development within the USOD requires a two- (2) stage permitting process. First, a Coordinated Development Special Permit is required as a prerequisite to the development review for any individual lot. Second, Design and Site Plan Review is required for [] the subdivision of a development site.*

The Board finds that the Applicant's CDSP (Case# PB2017-21) was approved with conditions by the Planning Board on December 17, 2017.
  - B. *Per SZO §6.8.5.D, Design and Site Plan Review, in accordance with the provisions of Section 5.4, is required for [] the subdivision of a development site. SZO §6.8.5.D.2 requires the following Review Process for Design and Site Plan Review:*
    - i. *Preliminary Review.*
      - a) Step 1: Pre-Submittal Meeting;
      - b) Step 2: Neighborhood Meeting;

- c) Step 3: Design Review Meeting;
- d) Step 4: Neighborhood Meeting.
- ii. *Administrative Review.*
  - a) Step 5: Public Hearing

The Board finds that the Applicant has followed the required steps of the Review Process for DSPR.

*Per Section 6.8.8 of the Union Square Overlay District, all buildable lots are platted with a Lot Line abutting a thoroughfare or civic space; as a corner, interior, or ley lot; and with side lot lines that are generally rectilinear to the front lot line and straight throughout their length.*

The Board finds that the proposed subdivision is compliant with the Somerville Zoning Ordinance. Per Section 6.8.8 of the Union Square Overlay District, all buildable lots are platted with a Lot Line abutting a thoroughfare or civic space; as a corner, interior, or ley lot; and with side lot lines that are generally rectilinear to the front lot line and straight throughout their length.

*Per SZO §5.4.6.B, the Planning Board may reject a design and site plan only when:*

1. *The submittal fails to furnish adequate information required for review;*
2. *The imposition of reasonable conditions would not ensure compliance to standards, as applicable; or*
3. *The submittal, although proper in form, includes or creates an intractable problem so intrusive on the needs of the public in one regulated aspect or another and cannot be adequately mitigated.*

The Board finds that none of the circumstances of §5.4.6.B are true.

**III. DECISION:**

Present and sitting were Members Michael Capuano, Joseph Favaloro, Rebecca Lyn Cooper, and Gerard Amaral. Upon making the above findings, Michael Capuano made a motion for **Conditional Approval** of the request for a **Design and Site Plan Review**. Rebecca Lyn Cooper seconded the motion. Wherefore the Planning Board voted 4-0 to conditionally approve the request. In addition, the following conditions are attached.

#	Condition	Timeframe for Compliance	Verified (initial)	Notes						
1	Approval is for subdivision. This approval is based upon the following application materials and the plans submitted by the Applicant:	Perpetual	ISD/PIng.							
	<table border="1"> <thead> <tr> <th>Date (Stamp Date)</th> <th>Submission</th> </tr> </thead> <tbody> <tr> <td>February 14, 2019</td> <td>Initial application submitted to the City Clerk’s Office</td> </tr> <tr> <td>March 14, 2019</td> <td>Subdivision Plan of Land prepared by Design Consultants, Inc.</td> </tr> </tbody> </table>				Date (Stamp Date)	Submission	February 14, 2019	Initial application submitted to the City Clerk’s Office	March 14, 2019	Subdivision Plan of Land prepared by Design Consultants, Inc.
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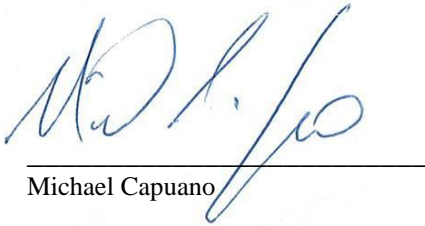
#	Condition	Timeframe for Compliance	Verified (initial)	Notes
	Any changes to the approved lot lines that are not determined to be minor by the Planning Director must receive Planning Board approval.			
2	This approval does not grant permission for any development on the proposed lots. Future development proposed on the lots will be subject to applicable requirements of the Somerville Zoning Ordinance.	Perpetual	ISD/PIng.	
3	The Applicant must make the following changes to the final plat submitted to the Registry of Deeds: 1. Remove the graphic depiction of Future Easement E1 over a portion of Lot 1 and Future Easement E2 over a portion of Lot 2 from the final plat submitted to the Registry of Deeds. 2. The Bennet Court "20' wide proposed traveled way" label must be corrected to read "20' wide <u>right of way</u> ". 3. The Bennet Court "21' wide right-of-way" label must be removed. 4. The Milk Alley "20' wide proposed traveled way" label must be corrected to read "20' wide <u>right of way</u> " <i>in each instance</i> on the plat plan. 5. The Milk Alley "22.5' wide right-of-way" label must be removed <i>in each instance</i> on the plat plan. 6. The Charlestown Place "20' wide proposed traveled way" label must be corrected to read "20' wide <u>right of way</u> ".	DSPR	ISD/PIng.	
4	The Applicant must submit 11x17 physical and electronic copies of the final plat plan submitted to the Registry of Deeds to the Planning Department prior to the issuance of a building permit or other permit authorizing any construction on any of the new lots created by this subdivision.	Building or Paving Permit	ISD/Engineering	



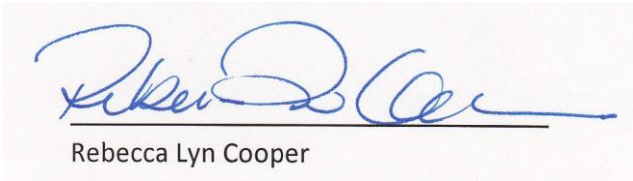
Attest, by the Planning Board:



Joseph Favaloro



Michael Capuano



Rebecca Lyn Cooper



Gerard Amaral

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 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 \_\_\_\_\_

