



City of Somerville

ZONING BOARD OF APPEALS

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

DECISION

PROPERTY ADDRESS: 31 Tufts Street
CASE NUMBER: P&Z 20-004
OWNER: City of Somerville
OWNER ADDRESS: 93 Highland Ave, Somerville, MA 02143
DECISION: Approved with Conditions
DECISION DATE: 6 July 2021

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CITY CLERK'S OFFICE
SOMERVILLE, MA

This decision summarizes the findings made by the Zoning Board of Appeals (the "Board") regarding the development review application submitted for 31 Tufts Street.

LEGAL NOTICE

E3 Development LLC proposes to develop a Pocket Park in the Urban Residence district, which requires Site Plan Approval.

RECORD OF PROCEEDINGS

On 23 June 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 at the public hearing were Board Members Susan Fontano, Josh Safdie, Anne Brockelman, Elaine Severino, and Katherine Garavaglia. The Applicant provided an overview of the project and responded to questions by the Board. The Board received testimony from members of the public and a written statement of support from the Ward Councilor.

FINDINGS

In accordance with the Somerville Zoning Ordinance, the Board may approve or deny an application for 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 will assist significantly in achieving goals laid out in the SomerVision 2030 Comprehensive Plan concerning public space, as well as the Somerville Open Space and Recreation Plan, including, but not limited to the following:

- To contribute publicly accessible open space towards the goal of developing 125 acres of open space by 2030.
- 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.

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

The Board finds that the proposal meets the intent of the Urban Residence zoning district, which is in part, "To permit the development of multi-unit detached and semi-detached residential buildings on individual lots," and "To permit increased residential density for apartment buildings meeting the definition of a Net Zero Ready Building or 100% affordable housing." In addition to affordable housing component of the larger proposal, the Board finds that the civic space will provide needed open and green amenity space for residents of both the building and the neighborhood at large.

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

The Board finds that the proposal will contribute to expanding the types of civic space uses and activities in the neighborhood.

DECISION

Following public testimony, review of the submitted plans, and discussion of the statutorily required considerations, Clerk Josh Safdie moved to approve the Site Plan Approval with the conditions included in the staff memo and as discussed at the hearing. Elaine Severino seconded. The Board voted **5-0** to approve the permit, subject to the following conditions:

Perpetual

1. Alterations to the design or location of the transformer is a major amendment to the approved plans, and is permitted only as a Plan Revision in accordance with Article 15 of the Somerville Zoning Ordinance.
2. The property owner is responsible for all of the associated maintenance, security, insurance, and other applicable costs associated with the pocket park.

Prior to Civic Space Permit

3. 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.
4. The property owner shall provide a right of first refusal to the Somerville Memorialization Committee to name the pocket park.
5. The property owner shall name the pocket park as specified by the Somerville Memorialization Committee.
6. The applicant will work with planning staff to make reasonable efforts to incorporate accessible design elements into the project consistent with the requirements of the US Access Board's Public Right-of-Way Accessibility Guidelines ("PROWAG").

7. Physical copies of all development review submittal materials, as permitted by the Board, must be submitted to the Planning & Zoning Division for the public record.
8. An updated outdoor lighting plan and fixture schedule including notation of any timing devices used to control the hours set for illumination, and supplier cut sheet specifications of chosen lighting fixtures must be submitted to confirm compliance with SZO 10.7.4.d.ii and table 10.7.2. All luminaires must have light sources with a color temperature or correlated color temperature (CCT) of 3000 Kelvin or less, and a color rendering index of sixty-five (65) or higher.

Prior to Certificate of Occupancy

9. This Decision must be recorded with the Middlesex South Registry of Deeds.
10. 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.
11. The pocket 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 pocket park, the management company's contact information, and a statement that the space is open to the public, along with the hours of operation.

Attest, by the Zoning Board of Appeals:

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

Attest, by the Planning Director:



Sarah Lewis

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 _____