



**CITY OF SOMERVILLE, MASSACHUSETTS**  
**MAYOR'S OFFICE OF STRATEGIC PLANNING & COMMUNITY DEVELOPMENT**  
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**MAYOR**

MICHAEL F. GLAVIN  
EXECUTIVE DIRECTOR

PLANNING DIVISION

**PLANNING BOARD MEMBERS**

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JAMES KIRYLO  
MICHAEL A. CAPUANO, ESQ.  
JERRY AMARAL, (ALT.)

**Case #: PB 2014-30**  
**Site: North Point**  
**Date of Decision: October 16, 2014**  
**Decision: *Petition Approved with Conditions***  
**Date Filed with City Clerk: October 20, 2014**

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**PLANNING BOARD DECISION**

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<b>Applicant Name:</b>	CJUF III NorthPoint, LLC c/o The HYM Investment Group, LCC
<b>Applicant Address:</b>	One Congress Street, 10 <sup>th</sup> Floor, Boston, MA 02114
<b>Property Owner Name:</b>	CJUF III NorthPoint, LLC c/o The HYM Investment Group, LCC
<b>Property Owner Address:</b>	One Congress Street, 10 <sup>th</sup> Floor, Boston, MA 02114
<b>Agent Name:</b>	Thomas N. O'Brien
<b>Agent Address:</b>	One Congress Street, 10 <sup>th</sup> Floor, Boston, MA 02114

Legal Notice: Applicant and Owner CJUF III NorthPoint, LLC c/o The HYM Investment Group, LLC, seeks Neighborhood Development Plan Review under SZO §6.6.3 for review of the North Point Neighborhood Development Plan. NP-SD zone. Ward 1

<u>Zoning District/Ward:</u>	NP-SD zone. Ward 1
<u>Zoning Approval Sought:</u>	§6.6.3
<u>Date of Application:</u>	September 11, 2014
<u>Date(s) of Public Hearing:</u>	October 16, 2014
<u>Date of Decision:</u>	October 16, 2014
<u>Vote:</u>	5-0

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Appeal #PB 2014-30 was opened before the Planning Board at Somerville City Hall on October 16, 2014. 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. After one hearing of deliberation, the Planning Board took a vote.



**DESCRIPTION:**

The Applicant, CJUF III NorthPoint LLC, proposes to transform an existing unproductive area of Somerville into an integral part of a new and vibrant work-live-play urban community consistent with the goals identified in SomerVision for Transformational Mixed-Use areas. The Somerville portion of the project, which has land parcels both partially and wholly within Somerville, will incorporate a diverse mix of commercial uses including high-end office space, a grocery store, fitness center, and commercial parking. These uses will be balanced with an appropriate amount of ground-level retail as well as a combination of for sale and rental units located throughout the project site, including the Somerville portion.

**FINDINGS FOR SPECIAL PERMIT (SZO §7.13.A):**

Based on review of the submitted Neighborhood Development Plan, the Board finds that the proposal meets all of the requirements outlined in §6.6.3.A.3 of the SZO. This section of the report goes through the findings required by §6.6.3.A.3 in detail.

1. *The Board finds that the submitted Neighborhood Development Plan demonstrates conformance to the adopted 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.*

SomerVision, the comprehensive Master Plan of the City of Somerville, establishes a series of aspirational targets for economic development, open space improvement, housing growth, transportation, and land use detail below:

**The SomerVision Numbers**

- 30,000 New Jobs
- 125 New Acres of Publically-Accessible Open Space
- 6,000 New housing Units, 1,200 Permanently Affordable
- 50% of New Trips via, Transit, Bike, or Walking
- 85% of New Development in Transformative Areas (as identified by the SomerVision Map)

The submitted Neighborhood Development Plan contributes toward the first three of these aspirational targets as follows:

	<b>Existing</b>	<b>Proposed</b>
Dwelling Units:	0	226
Estimated Affordable Units:	0	28
Commercial Sq. Ft.:	0	425,000 sq. ft.
Estimated Employment:	0	1400
Publicly Accessible Open Space:	0	0.57 acres

In relationship to transportation mode share, the 2002 North Point Transportation Impact Study targeted person trips to and from uses within the North Point neighborhood by modes other than the automobile at 60% for Office & R&D, 90% for Retail, 48% for Residential, and 25% for Hotel – well within range of the SomerVision target when taking into consideration the build-out program proposed for the Somerville portions of North Point. Finally, North Point is located entirely with the area of the city identified as an “Area to Transform” on the SomerVision map, satisfying SomerVision’s goal for having new development be focused in predetermined Transformative areas of the city.



In addition to the contributing toward the SomerVison Numbers, the submitted Neighborhood Development Plan achieves a number of the Comprehensive Plan's goal statements, including:

Neighborhoods:

- Foster vital, healthy, inclusive and distinctive urban neighborhoods that are the best possible places to live, work, play, do business, learn and serve.

Commercial Corridors, Squares, and Growth Districts:

- Make Somerville a regional employment center with a mix of diverse and high-quality jobs.
- Transform key opportunity areas, such as Assembly Square, Inner Belt, Brickbottom, Boynton Yards and the southeastern portion of Union Square into dynamic, mixed-use and transit-oriented districts that serve as economic engines to compliment the neighborhoods of Somerville.
- Facilitate thoughtfully-designed, pedestrian-oriented mixed-use development and reuse opportunities in commercial corridors, squares and around transit stations that are sensitive to neighborhood context, and serve existing and future residents and businesses.

Resources:

- Design and maintain a healthy and attractive public realm (e.g., streets, sidewalks, and other public spaces) that fosters community connection.
- 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.

Transportation & Infrastructure:

- Expand bike and pedestrian use by transforming existing infrastructure with accommodations for all bicyclists and pedestrians, resulting in safe, accessible and well-connected networks.
- Manage parking supply and demand in a flexible, rational and innovative manner, to balance transportation, economic development and residential goals.

Housing:

- Preserve and expand an integrated, balanced mix of safe, affordable and environmentally sound rental and homeownership units for households of all sizes and types from diverse social and economic groups.
- Promote mixed-use, mixed-income transit-oriented development to provide new housing and employment options.

***The Board deems the East Cambridge Planning Study, the East Cambridge Design Guidelines: North Point, and the PUD Master Plan approved by the City of Cambridge as applicable plans guiding development of the North Point area and finds the submitted Neighborhood Development Plan proposal in conformance with those documents.***

***2. The Board finds that the submitted Neighborhood Development Plan demonstrates consistency with the purpose of the North Point Special District and of the Somerville Zoning Ordinance in general.***

The submitted Neighborhood Development Plan is consistent with the purpose of the North Point Special District which is: "to support the development of a comprehensively planned neighborhood of mixed-use, moderate- to high-density development within easy walking distance to transit and having the following characteristics:

1. An interconnected street grid and comprehensive thoroughfare network that distributes multi-modal circulation throughout the entire North Point neighborhood;
2. Thoroughfares that accommodate all modes of transportation - pedestrians, bicycles, public transit, and private motor vehicles.



3. Thoroughfares that feature frequent intersections, on-street parking, and large street trees to promote safe vehicular operating speeds by modulating the appearance and feel of the street space to drivers;
4. Appealing physical connections to surrounding areas including East Cambridge, the Community College Orange Line T-Station via the Gilmore Bridge, DCR New Charles River Basin Park, and regional pathways;
5. Pedestrian infrastructure that is accessible to and usable by persons with disabilities;
6. A North First Street extension as the primary connection to East Cambridge;
7. A distribution of diverse civic space types to serve the various social needs of neighborhood residents, workers, and visitors, including a public common;
8. A retail oriented plaza in close proximity to the relocated Lechmere T-Station;
9. Primary uses distributed throughout the neighborhood so that the many activities of daily living can occur within walking distance to residences and workplaces;
10. A constrained supply of parking spaces to encourage the use of public transit, bicycles, and walking in lieu of automobiles.
11. A diverse supply of residential unit types, sizes, and price points that meets the life-long housing needs of the community.
12. Architecture and landscape design that spatially defines civic spaces and thoroughfares as outdoor rooms and corridors.

The submitted Neighborhood Development Plan is also consistent with the general purpose of the Somerville Zoning Ordinance as set forth under §1.2, which includes “to provide for and maintain the uniquely integrated structure of uses in the City; to provide adequate light and air; to facilitate the adequate provision of transportation, water, sewerage, schools, parks and other public requirements; to conserve the value of land and buildings; to encourage the most appropriate use of land throughout the City; to encourage housing for persons of all income levels; and to preserve and increase the amenities of the municipality.”

**3. *The Board finds that the submitted Neighborhood Development Plan demonstrates compliance to the standards set forth in §6.6.4 Urban Design and §6.6.5 Thoroughfares.***

Submittal requirements for Neighborhood Development Plan Review require the following plan drawings so that the proposed thoroughfare network and design of individual thoroughfares can be properly evaluated:

<b>Requirement</b>	<b>Plan Sheet Provided</b>
Proposed Block & Lot Plan	NDP-1
Existing Thoroughfare Network Plan	NDP-2
Proposed Thoroughfare Network Plan	NDP-3
Proposed Thoroughfare Layout & Geometry Plan	Appendix A
Proposed Cycling Infrastructure Plan	NDP-5
Proposed Civic Space Plan	NDP-6
Existing & Proposed Utilities Plan	NDP 7 & NDP 8
Proposed Retail Frontage Plan	NDP-9

The Applicant has also included plan sheet NDP-4, an enlarged detail of the proposed thoroughfares within Somerville.

6.6.4 Urban Design

§6.6.4.A. Thoroughfare Network

§6.6.4.A. requires that all thoroughfares intersect with other thoroughfares so that a network is formed, that thoroughfares align where possible with those on adjacent sites, and prohibits cul-du-sacs and other dead-end thoroughfares unless a waiver is granted on a case-by-case basis by the Planning Board.



***The Board finds that the proposed thoroughfare network illustrated on the plan sheets included in the Neighborhood Development Plan complies with the intersection and alignment requirements of §6.6.4.A.***

The Board acknowledges that the proposed thoroughfare plan includes a dead-end thoroughfare with a cul-du-sac (West Street). However, this thoroughfare is entirely within the municipal boundaries of the City of Cambridge and outside the jurisdiction of the City of Somerville. However, because the design of West Street has been proposed in such a manner that preserves the possibility of a bridge connection from Inner Belt Road to West Street, and the rest of North Point, while providing access to Lot A and the infill development already under construction at 22 Water Street, the Board finds that this thoroughfare segment is highly deserving of the waiver permitted under §6.6.4.A.3, had it been located at whole or in part within the City of Somerville.

§6.6.4.B. Block Structure

§6.6.4.B.1 requires that the thoroughfare network be structured to define blocks with a total perimeter no greater than 1,400 feet and individual block faces no greater than 500 feet. The Somerville Zoning Ordinance defines block as “the aggregate land area circumscribed by thoroughfares or other rights-of-way.” Pursuant to §6.6.4.B.2, the Applicant has requested a waiver from the requirements of §6.6.4.B.1. because the block containing developable lots within the City of Somerville abuts a rail right-of-way making strict adherence to the provision of §6.6.4.B.1 difficult while still maximizing developable land within Somerville.

***The Board approves of the requested block face and block length waiver pursuant to §6.6.4.B.2 of the Somerville Zoning Ordinance.***

§6.6.4.C. Lots

§6.6.4.C.1 requires that lots be platted to have a primary frontage abutting a thoroughfare and a lot width between 30 feet and 500 feet maximum.

***The Board finds that lots A, D, E, F, J, and K identified on plan sheet NDP-1 Proposed Lot and Block Plan all comply with the lot frontage standards of §6.6.4.B.***

***The Board finds that the lot width indicated for the portions of lots A, D, E, F, J, and K on plan sheet NDP-1 Proposed Lot and Block Plan located within the City of Somerville comply with the lot width standards of §6.6.4.B.***

***The Board finds that the total lot width indicated for Lot A on plan sheet NDP-1 Proposed Lot and Block Plan does not comply with the lot width standards of §6.6.4.B and attaches a condition to this Neighborhood Development Plan Approval requiring Lot A to be subdivided accordingly.***

The Applicant is within their right to apply for a Variance to develop a nonconforming lot at a later date. Approval of this Neighborhood Development Plan permits the Applicant to submit a subdivision plan reflecting the Block & Lot Plan illustrated on plan sheet NDP-1 according to §5.4 of the Somerville Zoning Ordinance.

§6.6.4.D. Civic Space

§6.6.4.D.1 requires that at least 5% of the total land area of the development site be designed as publicly accessible civic space and be distributed throughout the site as a series of separate spaces of various types and sizes.

§6.6.4.D.2 exempts civic space designed as a public common from the block size requirements of §6.6.4.B.1.

Finally, §6.6.4.D.3 restricts civic spaces with only a north-facing exposure other sun from qualifying for the land area designed as civic space requirement of §6.6.4.D.1



***The Board finds that the land area proposed to be designed as civic space complies with the requirements of §6.6.4.D.***

The Board acknowledges that the Neighborhood Development Plan illustrates a civic space on numerous plan sheets that meets the definition of a public common according to the Somerville Zoning Ordinance. Although this civic space is entirely within the City of Cambridge, it would be exempt from the block face requirement of §6.6.4.B.1 automatically. There are no civic spaces included in the proposal with only a north-facing exposure to the sun.

The Board does not agree with the identification of Fuller Park, Baldwin Park, and West Street Green Space as “pocket parks” on Table 4, page 3-25 of the proposal, finding that the definition of a “public square” is more appropriate to these spaces as shown on the submitted plan sheets. The SZO defines public square as “a civic space type for unstructured recreation and civic purposes, free standing in the block pattern, with landscape consisting of formally disposed lawns, paths, and trees” and pocket park as “a civic space type designed for unstructured recreation, integrated as part of a block/lot or located internal to a block/lot, consisting of greenery and a place to sit outdoors for adults, and spatially defined by surrounding buildings.” The specific design of individual civic spaces is not within the scope of the Neighborhood Development Plan Review process because it can be more properly addressed during the Design & Site Plan Review process required for each individual civic space. Staff anticipate resolving this discrepancy with the Applicant at that time.

§6.6.4.B. Build Out

***The Board finds that the build-out projections indicated on page 3-24 of the Neighborhood Development Plan comply with the requirements of §6.6.4.E.***

6.6.5 Thoroughfares

Thoroughfare is defined in Article 2 of the SZO as “a way for use by vehicular and pedestrian traffic and providing access to lots and open spaces.” Plan sheet NDP-3 does not identify street segments abutting Fuller Park, Dix Park, Baldwin Park, the segment between the North First Street green space and Lot J, or the segment marked private way between the green space abutting Child Street and Lot N as thoroughfares.

The enlarged detail of proposed thoroughfares within Somerville shown on plan sheet NDP-4 illustrates design details (street trees, lane markings, crosswalks, etc) for thoroughfare across the illustration, regardless of identification by the Applicant as thoroughfares on the proposed thoroughfare network plan of plan sheet NDP-3. Similarly, the unidentified segments are included on the plan sheets identifying proposed cycling infrastructure and major and minor pedestrian routes in relation to proposed retail frontage.

***The Board finds that the street segments mentioned above, both by reason of definition and their inclusion by the Applicant on other plan sheets aside from NDP-3, are thoroughfares and subject to the provisions of §6.6.5 Thoroughfares.***

§6.6.5.A requires that all thoroughfares include vehicular lanes and sidewalks.

***The Board finds that the proposed thoroughfares identified in the Neighborhood Development Plan submittal comply with the provisions of §6.6.5.A.***

§6.6.5.B requires that all thoroughfares be designed and constructed in accordance with the City of Somerville’s adopted thoroughfare design standards or, In the absence of adopted standards, that thoroughfares be designed and constructed in accordance to standards deemed to be appropriate by the Planning Board.



§6.6.3.1.B prohibits the construction or reconstruction of thoroughfares until a design and site plan has been approved by the Planning Board. The Applicant has chosen not to simultaneously submit Design & Site Plan applications for the thoroughfares proposed in the Neighborhood Development Plan submittal. As a result, City standards referenced in §6.6.5.B related to the engineering and design of thoroughfares are not enforced at this time. In seeking development review for lots within the City of Cambridge, the Applicant has typically submitted plan documentation for individual development parcels and the abutting thoroughfares that provide access to the site for review at the same time. The Staff anticipates a similar process and expects the Applicant to submit Design & Site Plan Review applications for the proposed thoroughfares at a late date.

***The Board attaches a condition to the Neighborhood Development Plan Approval limiting approval of the proposed thoroughfares to the general alignment, connectivity, right-of-way width, and geometry of the proposed thoroughfares.***

§6.6.5.C identifies specific dimensional standards for motor vehicle travel lands, motor vehicle parking lanes, bike lanes, sidewalks, sidewalk extensions, pedestrian crosswalks, and driveways & alley crossings.

***The Board finds that the proposed thoroughfares identified in the Neighborhood Development Plan submittal comply with the provisions of §6.6.5.C.***

§6.6.5.D permits a waiver to be granted from the requirements of §6.6.5.C at the discretion of the Planning Board for any thoroughfare designed as a “close.” Close is defined in the Somerville Zoning Ordinance as “a one-way thoroughfare surrounding a civic space providing vehicular access to abutting lots.” Staff has determined that the thoroughfare segment abutting Fuller Park meets the definition of a Close. However, a waiver has not been requested by the Applicant and Staff believes such a request would be unnecessary for the thoroughfare as proposed so long as the motor vehicle travel lands, motor vehicle parking lanes, bike lanes, sidewalks, sidewalk extensions, pedestrian crosswalks, and driveways & alley crossings meet the standards of §6.6.5.C.

§6.6.5.E requires all water and sewer utilities, storm water management infrastructure, public lighting, and public furniture be designed and constructed according to criteria established by relevant City departments and/or adopted by the Planning Board.

The Applicant is not seeking Design & Site Plan Approval for construction of the proposed thoroughfares at this time.

***The Board attaches a condition to the Neighborhood Development Plan Approval requiring engineering plans to be submitted to the Planning Director and the City Engineer for approval of any water and sewer utilities or storm water management infrastructure that does not correspond with thoroughfare construction to ensure compliance to required standards.***



**DECISION:**

Present and sitting were Members Kevin Prior, Joseph Favaloro, James Kirylo, Michael Capuano, Dorothy Kelly Gay, Gerard Amaral. Upon making the above findings, Kevin Prior made a motion to approve the request for a Special Permit. Michael Capuano seconded the motion. Wherefore the Planning Board voted **5-0** to **APPROVE** the request. In addition the following conditions were attached:

#	Condition	Timeframe for Compliance	Verified (initial)	Notes		
1	Approval is for the North Point Neighborhood Development Plan. This approval is based upon the following application materials and the plans submitted by the Applicant:	DSP/BP/CO	Planning/ISD			
	<table border="1"> <thead> <tr> <th>Date (Stamp Date)</th> <th>Submission</th> </tr> </thead> <tbody> <tr> <td>September 11, 2014</td> <td>Initial application submitted to the City Clerk's Office including all appendices</td> </tr> <tr> <td>September 11, 2014</td> <td>Plan Sheets: NDP1 - NDP9 Appendix A</td> </tr> </tbody> </table>				Date (Stamp Date)	Submission
Date (Stamp Date)	Submission					
September 11, 2014	Initial application submitted to the City Clerk's Office including all appendices					
September 11, 2014	Plan Sheets: NDP1 - NDP9 Appendix A					
Any changes to the approved neighborhood development plan that are not <i>de minimis</i> must receive approval from the Planning Board.						
<b>Lot Size</b>						
2	Lot A must be subdivided to comply with the lot width standards of §6.6.4.C.1	DSP	Planning			
<b>Thoroughfares</b>						
3	Approval is limited to the general alignment, connectivity, right-of-way width, and geometry of the proposed thoroughfares only. Construction of thoroughfare requires an approved Design & Site Plan by the Planning Board	Prior to trench permit for roadway construction	Planning/ Engineering			
4	The Applicant must submit engineering plans to the Planning Director and the City Engineer for approval of any water and sewer utilities or storm water management infrastructure that does not correspond to with the construction of a thoroughfare to ensure compliance to required standards.	Prior to trench permit for roadway construction	Planning/ Engineering			



Attest, by the Planning Board:



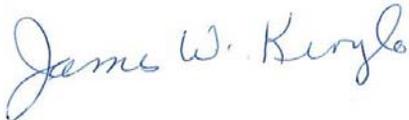
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Kevin Prior, Chairman



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Joseph Favaloro



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James Kirylo



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Michael A. Capuano, Esq.



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Dorothy A. Kelly Gay



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 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.



Signed \_\_\_\_\_ City Clerk Date \_\_\_\_\_

