



**CITY OF SOMERVILLE, MASSACHUSETTS**  
**MAYOR'S OFFICE OF STRATEGIC PLANNING & COMMUNITY DEVELOPMENT**  
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**Case #:** PB 2012-13 and 2012-14  
**Date:** October 2, 2012  
**Recommendation:** Conditional Approval

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**PLANNING STAFF REPORT**

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**Site:** Assembly Square, Blocks 5 & 6

**Applicant Name:** Street Retail, Inc.  
**Applicant Address:** 1626 East Jefferson St, Rockville, MD 20852  
**Property Owner Name:** FR Assembly Sq, LLC- Assembly Square Mall, Federal Realty Investment Trust and others  
**Property Owner Address:** 1626 East Jefferson Street, Rockville, MD 20852  
**Agent Name:** Goodwin Procter LLP  
**Agent Address:** 53 Exchange St, Boston, MA 02109  
**Alderman:** William Roche

Legal Notice:

**ASQ Block 5: (Case #PB 2012-13)** Applicant Street Retail, Inc. & Owner FR Assembly Sq, LLC- Assembly Square Mall, Federal Realty Investment Trust & others seek Special Permit with Site Plan Review-A under SZO §7.11.11.10 for a parking lot with approx 206 spaces to serve retail in Blocks 1, 3 & 4. ASMD, PUD-A Zones. Ward 1.

**ASQ Block 6: (Case #PB 2012-14)** Applicant Street Retail, Inc. & Owner FR Assembly Sq, LLC- Assembly Square Mall, Federal Realty Investment Trust & others seek Special Permit with Site Plan Review-A under SZO §7.11.11.10 for a parking lot with approx 225 spaces to serve retail in Blocks 1, 3 & 4. ASMD, PUD-A Zones. Ward 1.

Parcels: Parcels 85-A-4 and 86-A-1 (133 Middlesex St)

Zoning District/Ward: Assembly Square Mixed Use District (ASMD); Planned Unit Development Overlay District - A (PUD-A) / Ward 1

Zoning Approval Sought: SZO §7.11.11.10

Date of Application: July 2, 2012



Dates of Public Hearing: Planning Board August 2, 2012

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**I. BACKGROUND & PERMITTING PROCESS**

On December 14, 2006, the Planning Board granted Planned Unit Development-A-Preliminary Master Plan (PUD-PMP) approval, subject to certain conditions, for a development area that includes the subject property. On August 5, 2010, the Board granted a revision to the PUD-PMP. Subsequent minor amendments and subdivisions have been filed that do not substantially impact this site. The PMP is for a mixed-use, transit-oriented development with approximately 5 million square feet of total development including 1.75 million sf of commercial space (including but not limited to office, research and development, laboratory, medical office, manufacturing, etc.), 512,000 sf of retail space including restaurants and cinema, up to 340,000 sf IKEA store, 2,100 residential units, up to a 200-room hotel, the existing Assembly Square Marketplace and approximately 10,066 parking spaces. The revised PMP includes the same overall development program as the original with adjustments to improve the urban design relationship of uses, the quality of the open space along the Mystic River, pedestrian and bicycle circulation, and the financial feasibility of the Project. Design Guidelines were adopted to complement the guidelines in §16.7. The guidelines establish façade hierarchies, district gateways, and key building elements to promote a cohesive PUD while still allowing for flexibility and creativity in design.

The Planning Board has issued Special Permits with Site Plan Review-A, the second phase of approvals after the PUD-PMP, for the Marketplace (Phase 1AAA), for IKEA (Phase IAA), and for Blocks 1, 4, 3 and 10 of Phase IA.

***A. Review Requirements under the Somerville Zoning Ordinance***

This application is for a Special Permit with Site Plan Review-A (SPSR-A) for a temporary use of Blocks 5 and 6; which are newly identified as parcels 85-A-12 and 85-A-13 after the latest subdivision. These parcels were previously part of 85-A-4 and a portion of 86-A-1. SZO §7.11.11.10 requires a SPSR-A to establish a parking lot. The use for “structured or open lots (outdoor) motor vehicle parking where the parking spaces are not accessory to a principal use on the same lot and where no sales or service take place”.

The parking requirements in the ASMD Section 9.16.5 state that parking for entirely new buildings in the ASMD shall be located in structures below or above grade except in certain circumstances. This application relates to the circumstance in §9.16.5.3, where in an approved PUD, if surface parking is in excess of those required but in no case more than 50 percent of its parking at-grade, the PUD shall not be required to provide additional parking in structures. The parking lots will supply parking in excess of that required for Blocks 1, 3 and 4 and less than 50 percent of the overall number of parking spaces at grade. Therefore, the parking can be allowed at-grade but it must comply with the requirements of Sections 9.9, Driveways, Access and Lighting Requirements, and Article 10, Landscaping and Screening. Block 1 contains 367 parking spaces (135 to 270 parking spaces for the commercial use depending on the breakdown of retail and restaurant uses), Block 3 will have 571 parking spaces all for the commercial uses and Block 4 will have 465 parking spaces (142 parking spaces for the commercial uses) for a total of 1403 spaces that will be in garages. Block 10 has 31 at-grade parking spaces and this application is for 435 at-grade spaces for a total of 466 at-grade spaces.

***B. Organization of Report***

The present report includes the following sections:

- Description of the Property;
- Description of the Proposal;
- Department Comments;

- Public Comments;
- Staff Findings for Special Permit with Site Plan Review–A; and
- Staff Recommendation for Board vote, including recommended conditions of SPSR-A approval.

## **II. DESCRIPTION OF PROPERTY**

### ***A. Site***

The total land area of the Master Plan is 2.67 million square feet or 61.3 acres. The area of Block 5 is 115,382 sf and Block 6 is 116,205 sf. The land is currently vacant and is overgrown with vegetation.



*Approximate location of the Blocks 5 & 6 Proposal*

### ***B. Surrounding Area***

The area surrounding the proposed site contains Draw 7 Park on the opposite side of the MBTA Orange Line tracks, the Assembly Square Mall to the west, and future development Blocks 3, 4, 7 and 8. Assembly Square Drive roadwork and landscaping that were part of the Phase IAA approval are underway.

## **III. DESCRIPTION OF PROPOSAL**

### ***A. Overall***

The proposal consists of creating temporary parking lots on Blocks 5 and 6. Block 5 will contain 207 parking spaces and Block 6 will contain 228 for a total of 435 spaces. The lots will serve the retail uses in Blocks 1, 3, and 4. The parking will be free; however, it will be access controlled to ensure that it is not used as a commuter lot or the residents of Blocks 1 and 4.

Blocks 1, 3, and 4 are anticipated to be complete in the first quarter of 2014. The proposed parking lots are expected to be completed in the fourth quarter of 2013 before the opening of these buildings. At that time, Blocks 7 and 8 are expected to temporary function as green space.

Once there is demand to building out Blocks 5 and 6, they will be constructed with mixed use buildings as approved in the PUD-PMP. Once these plans come to fruition, retail patrons of Blocks 1 3, and 4 will park either on-street or in the garages on each of the blocks as was originally anticipated. Blocks 5 was approved in the PMP to be a 250 foot building with retail on the ground floors, residential above as well as a parking garage. Block 6 was approved in the PMP to be a building with towers of heights vary from 70 feet to 250 feet. The building will connect with Block 4 at the end of “D Street”. The use of the buildings will be commercial and residential.

Compliance with dimensional standards is shown in the table below.

<b>DIMENSIONAL REQUIREMENTS</b>	<b>Uses Requiring SPSR</b>	<b>Proposed Block 5</b>	<b>Proposed Block 6</b>
Minimum lot size	10,000 sf	116,205 sf (2.7 acres)	115,382 sf (2.6 acres)
Frontage	-	474 ft	474 ft
Front yard setback	No minimum	-	-
Side yard setback (left)	No minimum	-	-
Side yard setback (right)	No minimum	-	-
Rear yard setback	No minimum	-	-
Maximum Floor area ratio (FAR)	2.0	-	-
Maximum height, feet	70 feet up to 250 feet	-	-
Minimum lot area/per dwelling unit	600/300	-	-
Total open space (%)	25%	38.0 %	43.0 %
Useable open space (%)	12.5%	36.1 %	40.9 %

### ***B. Site Design and Access***

The project areas are rectangular and the parking lots will be framed by sidewalks and landscaping. There are planted landscape islands in the middle of the lots. Block 5 will have two rain gardens and Block 6 will have one rain garden that function as part of the stormwater management system. The rain garden on Block 6 will be in the same location as the rain garden that is planned for that site. The ingress and egress from the parking lots is located in the same location as was planned to be vehicular access into the parking areas and alleyways on Blocks 5 and 6 when they are developed. For each of the Blocks there is one access point on "D Street" and one on Foley Street.

Block 5 will have a total of 207 parking spaces. There will be 201 standard spaces, 5 standard accessible spaces, and 1 van accessible space. Block 6 will have a total of 228 parking spaces with 220, standard spaces, 5 standard accessible spaces and 3 van accessible spaces.

There will be landscaped islands in the parking lot. Light fixtures will be located in the middle of some of the islands to provide light in the lots.

### ***C. Uses***

The lots will temporarily serve the retail uses in Blocks 1, 3, and 4. There is sufficient retail parking in the garages on these blocks; however, while the land is vacant before the demand to build out the blocks exists, the temporary use proposed will provide additional parking. There will be no charge for retail parking. In order to prevent commuters from using this lot to park and take the Orange Line, the owners are working with an operating company to control access. The specific limits of the parking to prevent the lot to be a 'park and ride' lot have not been decided upon at this time.

### ***D. Linkage***

Linkage does not apply to the temporary parking lots. Linkage will be required when the blocks are developed as planned in the PUD-PMP.

***E. Landscaping and Open Space***

There will be landscaping at the edges of the parking lots and in landscaped islands in the middle of the parking lot. There will be a total of three rain gardens with a variety of plantings. The perimeter of the parking lots will be grass with trees and other shrubs, flowers, and ground cover at the corners of the Blocks. Blocks 5 will contain approximately 8,138 sf of landscaping (43%) with 58 trees and Block 6 will contain 8,359 sf of landscaping (38%) with 62 trees. The blocks meet the landscape requirement of 25%.

Usable Open Space: The usable open space on the site is around the parking lots where there is landscaping and sidewalks. Under §16.6.1 of the SZO, the usable open space must be permanent, made accessible to the public at a minimum from 9:00 am to 5:00 pm, and protected through a covenant or other appropriate legal instrument. Blocks 5 and 6 have 40.9% and 36.1% of usable open space, respectively. Larger areas of usable open space will be on other parcels were they are consolidated to make larger spaces that will connect the Assembly Row development to the waterfront. The overall calculation of useable open space in the PUD is 18 percent.

***F. Parking and On-site Circulation***

The parking requirements for the retail uses are satisfied with the parking that will be built in garages of Blocks 1, 3, and 4. The maximum parking requirements do not apply unless the new MBTA Station is constructed and open and also do not apply to uses in existence at the time of such opening. The Orange Line Station is projected to open in the fourth quarter of 2014 and at that time the maximum parking requirements will be effective.

**IV. CITY DEPARTMENT COMMENTS**

- The Parks/Landscape Design staff does not have any concerns about the rain garden construction and proposed plants. The only comment was that if the plantings are altered, they should continue to be noninvasive species.
- Traffic and Parking did not have concerns or comments on this application.
- The other departments that have received the proposed plans are the Highway, Engineering, Fire Prevention, Office of Sustainability and Environment, Conservation Commission, Wiring Inspection and Inspectional Services.
- Alderman Roche is supportive of Planning Staff's recommendation.

**V. PUBLIC COMMENTS**

Planning Staff will edit the report to provide any updated public comments should the Planning Board chose not to act on this case on August 2, thereby allowing public comments to be incorporated into the report and the conditions, if applicable. As of July 26, 2012, the Planning Staff has not received any comments on this project.

**VI. STAFF FINDINGS FOR SPECIAL PERMIT WITH SITE PLAN REVIEW-A****A. General Application Requirements**

Staff finds the SPSR-A meets the application submittal requirements in SZO section 5.2. Detailed findings are contained in Appendix A.

**B. Requirements for SPSR and SP (SZO §5.2.5)**

The SZO requires that applications for SPSR-A meet the standards required in the ordinance. Section 6.4.9 requires that the requirements in Section 6.4.9C as well as parts a-h of Section 5.2.5 to be addressed when SPSR-A requests are submitted. Also the development standards and guidelines in Section 6.4.7 and 6.4.8 need to be met. The Staff finds that projects submitted for SPSR-A meets the findings required as identified in Appendix B as a short-term use and will be conditioned as such.

**C. Requirements for Open Parking Lots in ASMD (SZO §9.9 and 10.4)**

The ASMD requires that parking lots meet the layout requirements of SZO Section 9.9 and the landscape requirements of Section 10.4. Staff finds that the projects meet these requirements as identified in Appendix C.

**VII. STAFF RECOMMENDATION**

Based on the materials submitted by the Applicant and the above findings, the Planning Staff finds that the application for Special Permit with Site Plan Review–A meets the provisions and purposes of the Ordinance. Therefore, the Staff recommends **CONDITIONAL APPROVAL** of the requested Special Permit with Site Plan Review-A.

To mitigate any potential negative impacts and to provide the best project possible, the Staff recommends attaching to the SPSR-A the **CONDITIONS** in Appendix D.

This recommendation is based upon the Special Permit with Site Plan Review-A Application stamped in at the City Clerk’s Office on July 2, 2012, including plans dated June 15, 2012

- C-1 Legend and General Notes
- C-2 & C-3 Neighborhood Context Map 1 & 2
- C-4 & C-5 Overall Site Plan 1 & 2
- C-6 & C-7 Layout and Materials Plan Block 6 & Block 5
- C-8 & C-9 Grading and Drainage Block 6 & Block 5
- C-10 & C-11 Utility Plan Block 6 & Block 5
- C-12 & C-13 Detail Sheets
- P-1-P-5 Planting Plans
- P-6 Detail Sheet

Approval constitutes an approval for temporary parking lots on Blocks 5 and 6 with a total of approximately 435 spaces for use by the retail patrons of Blocks 1 3, and 4.

The recommendation is also based upon a technical analysis by Planning Staff of the application material based upon the required findings of the Somerville Zoning Ordinance, and is based only upon information submitted prior to the public hearing. This report may be revised or updated with new recommendations, findings and/or conditions based upon additional information provided to the Planning Staff during the public hearing process.

## Appendix A: Application Requirements

<b>General Information Required for SPSR Applications (SZO 5.2)</b>			
<b>Section</b>	<b>Required Finding</b>	<b>Met</b>	<b>Comment</b>
5.2.3.1	names, addresses, and telephone numbers of the applicant, the owner if other than the applicant, and other agents for the applicant, such as the architect, engineer and/or attorney, and the name and address of the proposed project	x	Included in application submission
5.2.3.2	plot plan certified by land surveyor indicating total land area, boundaries, angles, and dimensions of the site and a north arrow	x	The Layout and Materials Plan, certified by Richard Mathews, PE depicts boundaries, angles and dimensions for the proposed Block 5 and 6 project area.
5.2.3.3	scaled site plans certified by a registered land surveyor, architect, landscape architect or engineer showing present and proposed use of land and existing buildings, if any; dimensions of existing and proposed structures; location and dimensions of any easements and public or private rights of way; and at grade parking and loading areas.	x	See Overall Site Plan, Layout and Materials Plan, Grading and Drainage Plan, and Utility Plan. The parking layout and rights of way are shown on the Layout and Materials Plan along with a zoning summary chart.
5.2.3.4	brief written description of the proposed project, such as proposed construction or demolition, all uses, who the project is intended to serve, expected number of employees, and/or occupants and methods and hours of operation, as applicable	x	The proposed parking lots on Blocks 5 and 6 are going to serve retail customers associated with Blocks 1, 3 and 4. The parking lot will be monitored to ensure that it is not a "park and ride" lot for commuters taking public transportation.

5.2.3.5	the total floor area and ground coverage ratio of each proposed building and structure	x	This proposed temporary plan does not include structures.
5.2.3.6	front, side, and rear elevations	x	This proposed temporary plan does not include structures.
5.2.3.7	existing and proposed contour elevations in two foot increments	x	The ground elevations are shown in one-foot intervals on the Grading and Drainage Plan. The project is generally flat with elevations ranging from 12 feet to 15 feet for both sites. The lots at the same relative elevation as the surrounding area.
5.2.3.8	provisions for vehicular and pedestrian circulation	x	See Layout and Materials Plan for basic information. Detailed information regarding the design of streets and sidewalks are conditions of approval for the PUD for review by the City Engineer and Traffic Engineer. The sidewalks are varying widths along the perimeter of the project but are generally 5 feet wide. Vehicular access is via "D Street" and Foley Street.
5.2.3.9	color, materials, and exterior features of proposed structures	x	This proposed temporary plan does not include structures.
5.2.3.10	landscaping and screening, including trees, stones, walls, fences, and other features to be retained and removed, as well as color, size, and type of landscaped surface materials	x	The lot is currently vacant and none of these features are present on the land. The Planting Plan shows the location of the vegetation and rain gardens and the detail sheet shows the plant names and sizes.
5.2.3.11	measures taken to preserve and protect natural resources	x	The site is currently a brownfield and the remediation of the soil for the redevelopment is an improvement to the environment.
5.2.3.12	outdoor lighting, including location and intensity of lighting facilities	x	The lighting is shown on the site plans. It will be in the middle of the parking lot in landscaped islands and along the sidewalks as was originally planned. The details about the light fixtures for the parking lot can be found on sheet C-13, Detail Sheet.
5.2.3.13	dimensions and locations of signs, proposed and existing	x	There is no existing signage at the site. The signage for the parking lot will be minimal and would be located near the parking control devices at the entrances to the lots.

5.2.3.14	location and significance of historic structures	x	This has been addressed in the 2005 VHB study and included in the original PMP document. No properties included in the State or National Registers of Historic Places are located within the project limits.
5.2.3.15	method for handling solid waste disposal, and for screening of disposal facilities	x	There will not be disposal facilities on-site.
5.2.3.16	description and location of all proposed mechanical and electrical system components, including exhaust and ventilation system, transformers, and satellite dishes	x	The location of the transformer and light control cabinets are shown on the Layout and Materials Plan. They are located in the landscaped area along Foley Street.
5.2.3.17	locations of and adequacy of existing and proposed on-site public utilities, facilities, and conditions (water, sewerage, and drainage), showing size and direction of flows	x	See Grading and Drainage Plan as well as the memo dated April 13 regarding stormwater management and the Storm Drain and Outfall Notice of Intent from 2008. The stormwater management system design remains consistent with the stormwater management plan outlined in the previous submission.
5.2.3.18	demolition and construction procedures including impact mitigation measures; an estimate of the time period required for completion of the development	x	The proposal does not require demolition. The estimated completion date for the project is Fall 2013.
5.2.3.19	a traffic study including estimated peak hour traffic volumes generated by the proposed use in relation to existing volumes and projected future conditions or, if the project is twenty-five thousand (25,000) square feet or more, a traffic impact analysis which is prepared by a professional traffic engineer	x	The transportation study was completed with 2006 plan. The amended PMP provides current traffic data for 2010, certifying that baseline conditions have not significantly changed since the existing plan was completed, and therefore establishing that the 2006 report remains valid. Since the use of the site will be parking and the traffic pattern is not changing from the original approval, a traffic study for these sites is not needed.
5.2.3.20	general summary of existing and proposed easements or other burdens now existing or to be placed on the property	x	Required private utility easements will be coordinated with the corresponding private utility company when final alignments are confirmed and are not shown on the plans at this time. Required access and other easements will be granted under a recorded declaration of covenants, conditions and restrictions.

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5.2.3.21	wetlands, ponds, and surface water bodies, as defined under the Wetlands Protection Act, M.G.L. Chapter 131, Section 40, and rules promulgated thereunder, 310 CMR 10.00		See Existing Conditions Plan. There are no wetlands on the project area.
5.2.3.22	photographs of at least eight (8) by ten (10) inches, showing the development site and surrounding parcels	x	Included in application submission
5.2.3.23	names and addresses of all property owners within three hundred (300) feet of site boundaries	x	Included in application submission. Staff generated a current list.
5.2.3.24	such other information as will aid the SPGA in judging the application and in determining special conditions and safeguards, and as the SPGA should deem necessary, in its determination of completeness of said application as provided in Section 5.3.1 and the SPGA Rules and Regulations		n/a

## Appendix B: Required Findings for SPSR-A

<b><u>B1: Requirements for SPSR-A (SZO Section 6.4.9.C)</u></b>			
<b>Section</b>	<b>Required Finding</b>	<b>Met in SPSR-A</b>	<b>Comment</b>
6.4.9.C.1	Traffic impact and proposed mitigation, if any, (should be) consistent with any applicable Transportation Study, Traffic Access and Impact Study and/or Transportation Demand Management Plan, and the goals and objectives of the ASD Plan	x	The transportation study was completed with 2006 plan. The amended PMP provides current traffic data for 2010, certifying that baseline conditions have not significantly changed since the existing plan was completed, and therefore establishing that the 2006 report remains valid. Since the use of the site will be parking and the traffic pattern is not changing from the original approval, a traffic study for these sites is not needed.
6.4.9.C.2	The application (should) reflect an overall consistency with the intent and purpose of any applicable Design Guidelines set forth in this Section 6.4	x	The Design Guidelines are detailed below.
6.4.9.C.3	The application (should) promote the following objectives: mix of residential, office, research and development, retail, hotels, places of assembly and institutional uses' economic benefits and employment opportunities' structured parking; pedestrian and bicycle access; affordable housing units and project mitigation contribution; view corridors to the Mystic River; enhanced and activated Open Space' creation of new Open Space or enhancement of existing Open Space; and, . . . support transit service at (the MBTA Station).	x	The temporary use of the Blocks as parking lots will support the mixed use buildings on Blocks 1, 3, and 4 before there is demand to build out Blocks 5 and 6 as planned. The future use of the sites will provide economic benefits, employment opportunities and structured parking.
6.4.9.C.4	Additional Findings and Determinations: Prior to granting a Special Permit with Site Plan Review-A, the SPGA shall make findings and determinations as noted in 6.4.9.C.4	x	These additional findings address submittal requirements, criteria for review, impact on public services, site surface drainage, access to buildings, utilities, signage, transformers, screening, and shadow impacts. These materials were submitted as part of the application for the Block.

<b>B2: Requirements for SPSR (SZO Section 5.2.5)</b>			
5.2.5.a	<i>Information supplied.</i> Complies with the information requirements of Section 5.2.3	x	Applicants submitted all required information for SPSR-A applications.
5.2.5.b	<i>Compliance with standards.</i> Complies with such criteria or standards as may be set forth in this Ordinance which refer to the granting of the requested special permit with site plan review	x	The proposed open lot parking must parking must comply with the development standards in the ASMD and the requirements of Sections 9.9, Driveways, Access and Lighting Requirements, and Article 10, Landscaping and Screening. See Appendix C.
5.2.5.c	<i>Purpose of district.</i> Is consistent with the intent of the specific zoning district as specified in Article 6	x	The overall plan is consistent with the intent of the ASMD zoning district by providing a temporary use of Blocks that are not yet ready for development. The temporary plan is designed in a way that does not preclude the more intensive planned use of the site from happening. A condition will be placed on the permit so that it will expire after a particular timeframe so that the Board has an opportunity to reevaluate the use of the site and economic conditions in the near future. The sites would not be consistent with the purpose of the district is they remained parking lots for the long-term.
5.2.5.d	<i>Site and area compatibility.</i> Is designed in a manner that is compatible with the existing natural features of the site and is compatible with the characteristics of the surrounding area, and that the scale, massing and detailing of buildings are compatible with those prevalent in the surrounding area	x	The current site is a flat, brownfield site with no existing natural features to preserve. No building is proposed at this time.
5.2.5.e	<i>Functional design.</i> Meets accepted standards and criteria for the functional design of facilities, structures, and site construction	x	The building and site meets functional standards of the SZO. The parking lot requirements can be found in Appendix C.

5.2.5.f	<i>Impact on Public Systems.</i> Will not create adverse impacts on the public services and facilities serving the development, such as the sanitary sewer system, the storm drainage system, the public water supply, the recreational system, the street system for vehicular traffic, and the sidewalks and footpaths for pedestrian traffic	x	The project will not create adverse impacts on the public systems. The temporary project does not include new sanitary sewer or water supplies. The stormwater management memo details the system that has been designed to capture all of the stormwater runoff.
5.2.5.g	<i>Environmental impacts.</i> Will not create adverse environmental impacts, including those that may occur off the site, or such potential adverse impacts will be mitigated in connection with the proposed development, so that the development will be compatible with the surrounding area	x	The applicant has adequately addressed that the overall project mitigates adverse environmental impacts, cleans an existing brownfield and redevelops a waterfront site with future transit access. Furthermore, upgrades to DCR parkland will provide off-site open space for the project as well as the surrounding neighborhood. No unanticipated environmental impacts have arisen since the PMP approval that would cause concern for the development of the Block.
5.2.5.h	<i>Consistency with purposes.</i> Is consistent with: 1) the purposes of this Ordinance, particularly those set forth in Article 1 and Article 5; and 2) the purposes, provisions, and specific objectives applicable to the requested special permit with site plan review which may be set forth elsewhere in this Ordinance, such as, but not limited to, those at the beginning of the various sections	x	The project meets the purpose of the Ordinance in encouraging the most appropriate use of the land and increasing the amenities of the municipality. The project also meets the purpose of Article 5 for the Board to evaluate the findings and determinations and provisions of the Ordinance and attach conditions to mitigate concerns.

**B.3: ASMD Development Standards (SZO Section 6.4.7.A)**

<b>Section</b>	<b>Required Finding</b>	<b>Met in SPSR-A</b>	<b>Comment</b>
6.4.7.A.1	<i>Transportation Analysis.</i> All new Developments shall conform to the requirements set forth in any Transportation Study, subject to the approval of the SPGA.	x	A full Traffic Impact and Access Study was prepared for the project and was included in the original submission package and no new traffic impacts are anticipated from this project. The traffic patterns will remain generally consistent with the approved PUD PMP.
6.4.7.A.2	<i>Parking Requirements.</i> Developments shall meet the parking requirements set forth in Section 9.15.	x	The proposal provides parking for Blocks 1, 3, and 4 beyond the requirements. Parking requirements are not applicable to the parking lot use, which is the primary use of the lots.
6.4.7.A.3	<i>Landscaping Requirements.</i> Developments shall conform to the applicable landscaping requirements set forth in Article 10. Open spaces shall be contiguous to the extent practical, in the opinion of the SPGA.	x	The 25% landscape requirement will be exceeded. Blocks 5 will contain approximately 8,138 sf of landscaping (43%) with 58 trees and Block 6 will contain 8,359 sf of landscaping (38%) with 62 trees. The parking lot landscape requirements are met as outlined in Appendix C.
6.4.7.A.4	<i>Pedestrian Connections.</i> Continuous pedestrian connections shall be supported between all major points of pedestrian activity on the Development Site, including, but not limited to, connections to the Mystic River waterfront, connections to all public and private ways abutting the Development Site, and any transit stops. Developments shall support improved access between the ASMD and the Ten Hills and East Broadway neighborhoods by means of sidewalk connections, crosswalks, landscaping, traffic signalization and traffic calming methods as appropriate.	x	Block 5 will contain sidewalks around the entire perimeter of the block to allow for pedestrian connections to the surrounding streets and sidewalks. Block 6 will contain sidewalks around the majority of the block except for the northeast corner of the site where a building will be located during future development. The proposed sidewalks provide sufficient pedestrian access to the MBTA station

<b>B.4: ASMD Design Guidelines (SZO Section 6.4.7.B)</b>			
<b>Section</b>	<b>Required Finding</b>	<b>Met in SPSR-A</b>	<b>Comment</b>
6.4.7.B.1	<i>Street and Sidewalk Design.</i> Street and sidewalk design shall be based on the Assembly Square Public Realm Design Guidelines and applicable engineering standards, provided that any street shown in such Guidelines as running through an existing Building is not required to be constructed until such Building is demolished.	x	The design of streets and sidewalks will respond appropriately to the Street and Sidewalk design criteria. To the extent that is known at this time, the streets and sidewalks appear to be designed to meet the expectations of the Design Guidelines. Full engineering plans will need to be provided for review and approval prior to a building permit being issued for the block to ensure that streets meet City engineering standards. There are not existing buildings that need to be demolished to construct the streets around the site.
6.4.7.B.2	<i>Building Design.</i> Buildings shall be designed to the highest architectural standards and shall be sited appropriately on the Lot.	x	A building is not proposed for the site at this time.
6.4.7.B.2a	Buildings should be located to create a presence on existing street edges or along major internal circulation routes and have maximum building setbacks of five feet except in special circumstances, where greater setbacks would enhance the pedestrian friendly experience of the ASMD, such as dedicated open space; and buildings should be located to reinforce both existing and future circulation patterns that may serve more than one Site.	x	A building is not proposed for the site at this time. The landscaping on the site was designed to enhance the pedestrian experience along the open parking lots.
6.4.7.B.2b	Buildings should have interesting entrance areas that are visible and directly accessible from major public access points, streets and circulation patterns. Extensive areas of glass and window, providing visual access to interior uses, should be part of all street facades and accompany building entrances. Multiple and frequent entrances oriented to streets are encouraged. Building entrances should be clearly defined, through the use of elements such as canopies, porticos, overhangs, peaked roof forms, arches. Entries set back from the street should have outdoor patios, tile work, moldings, integral planters or wing walls with landscaped areas, or places for sitting.	x	A building is not proposed for the site at this time.

6.4.7.B.2c	There should be a clearly defined pattern of bays, rhythms, and dimensions that create continuous visual interest and variety in the design of all facades.	x	A building is not proposed for the site at this time.
6.4.7.B.2d	The overall scale of development should be broken down to respond to the pedestrian scale use of open space.	x	A building is not proposed for the site at this time. There is a large amount of open space on the site with trees and other vegetation to create a pedestrian friendly edge to the parking lots.
6.4.7.B.2e	Materials and colors shall be consistent with traditional buildings in the area with historic merit.	x	A building is not proposed for the site at this time.
6.4.7.B.2f	Building equipment and service areas should be located away from public streets or major interior circulation routes and provide screening. All storage of items for sale or related inventory should be enclosed unless completely screened from public view with architectural elements meeting the §6.4.7 guidelines.	x	The location of the transformer and light control cabinets are shown on the Layout and Materials Plan. They are located in the landscaped area along Foley Street. Screening this equipment may draw more attention to it and since there will not be a structure on the lot, it can not be placed inside.
6.4.7.B.2g	Preference should be shown for vertical integration of uses. Developments should ensure that development patterns provide active uses on the ground floor that take advantage of the waterfront views and open spaces, and that add presence to public ways and sidewalks.	x	The future use of the blocks will have vertical integration of uses with retail on the first two floors.
6.4.7.B.2h	The façade of a building should not have any uninterrupted or unfenestrated length exceeding thirty-five (35) horizontal feet. Facades greater than one hundred (100) feet in length, measured horizontally, should incorporate wall plane projections or recesses having a depth of at least three percent (3%) of the length of the facade and extending at least twenty percent (20%) of the length of the façade.	x	A building is not proposed for the site at this time.

6.4.7.B.2i	All Ground Floor facades that face public ways or the Mystic River should have windows providing visual access to the interior of a space, arcades, display windows, entry areas, awnings, or other such features along no less than seventy percent (70%) of their horizontal length. Forty percent (40%) of this activated facade area+ on the ground floor of building walls along primary and secondary streets shall consist of windows or doors meant for public entry and exit.	x	A building is not proposed for the site at this time.
6.4.7.B.3	<i>Parking Lot Design.</i> Refer to Section 9.15 for parking requirements. Parking Lots shall avoid large expanses that are unbroken by Buildings or substantial landscaped Open Spaces, as set forth in Section 10.4 of this Ordinance.	x	See Appendix C. The parking lots are broken up by landscaped islands.
6.4.7.B.4	<i>Open Space.</i> Landscape strips required in parking areas shall not apply to UOS calculations. Developments are encouraged to make significant contributions to Open Space along the Mystic River adjacent to the ASMD.	x	The usable open space on Blocks 5 and 6 will be 36.1% and 40.9%, respectively. The usable open space is surrounding the perimeter of the parking lots to improve the pedestrian experience. Other sites in the development contain larger open spaces where people can gather.

6.4.7.B.5	<p><i>Efficiency of Design.</i> Every effort shall be made to design Buildings and use materials and construction techniques to optimize daylight in building interiors, natural ventilation, energy efficiency, and to minimize exposure to and consumption of toxics and non-renewable resources and incorporate appropriate "green" design techniques. In accordance with this principle all Developments within the ASMD in excess of ten thousand (10,000) square feet shall be required to complete an Leadership in Energy &amp; Environmental Design (LEED) worksheet and submit the worksheet to the SPGA with permit application materials. This worksheet shall be considered in evaluating whether a proposed Development meets the applicable standards set forth elsewhere in this Ordinance. However, consistency with the LEED standards shall not be a factor in whether or not to permit a Development.</p>	x	<p>A building is not proposed for the site at this time. The parking lot will contain rain gardens that provide a more environmentally friendly stormwater management system than the traditional drainage systems that pipe water to the sewer system.</p>
6.4.7.B.6	<p><i>Contributions.</i> Contributions for Infrastructure and Open Space related to a Development made by an Applicant to the City or its constituent agencies in other agreements or permits shall be credited by the SPGA toward any applicable requirements hereunder for a Special Permit.</p>	x	<p>The Applicant has committed to contributions and mitigation under contracts with the City and the SPGA shall take that into consideration. The applicant will enter into maintenance agreements for useable open space and a portion of the public infrastructure as well.</p>
6.4.7.B.7	<p><i>Loading Spaces.</i> To the extent possible, Loading spaces shall be located away from major Public Ways, the Mystic River and other highly visible locations. Every effort shall be made to incorporate creative design to reduce the negative visual impacts of the Loading space.</p>	x	<p>Loading spaces are not required for parking lots.</p>

## Appendix C: Required Findings for Open Parking Lot

<b><i>C.1: Driveways, Access and Lighting Requirements (SZO Section 9.9)</i></b>			
<b><i>Section</i></b>	<b><i>Required Finding</i></b>	<b><i>Met in SPSR-A</i></b>	<b><i>Comment</i></b>
9.9.a	<i>Access Via Driveway and Maneuvering Aisle.</i>	<b>x</b>	The parking spaces are connected by maneuvering aisles and driveways to the street, which are located entirely on the subject lots. No easements are required.
9.9.b	<i>Driveway Dimensions.</i>	<b>x</b>	The driveway dimensions entrances are 12 feet and maneuvering aisles are 24 feet, complying with the SZO required dimensions.
9.9.c	<i>Driveway/Curbcut Location.</i>	<b>x</b>	The number of curb cuts for each block is 2. They are located in the same location as is planned for the future development of these blocks. The location minimizes conflict with traffic on the streets and has high visibility.
9.9.d	<i>Lighting of Parking Areas.</i>	<b>x</b>	The lighting is shown on the site plans. It will be in the middle of the parking lot in landscaped islands and along the sidewalks as was originally planned. The details about the light fixtures for the parking lot can be found on sheet C-13, Detail Sheet. They will be directed downward such that the parking lot lighting will fall within the parking area and not spill onto neighboring properties.
9.9.e	<i>Emergency Access.</i>	<b>x</b>	The entrances will be 12 feet which complies with the SZO's requirement for emergency vehicles.

**C.2: Landscape and Screening Parking Lot Requirements (SZO Section 10.4)**

<b>Section</b>	<b>Required Finding</b>	<b>Met in SPSR-A</b>	<b>Comment</b>
10.4	<i>Some of the minimum landscaped area shall be located so that there shall be landscaped areas within the parking lot and/or immediately adjacent to and within 5 feet of the perimeter of said parking area in the minimum amount of 24 sf per parking space.</i>	x	There is landscaping along the perimeter of the parking lot and in the middle of the parking lot on islands. The requirement for 24 sf of landscaping per parking space equates to 10,440 sf of landscaping. The requirement will be met and exceeded with the plan to provide 89,161 sf of landscaping.
10.4	<i>No space shall be located more than 90 feet from a landscaped area.</i>	x	The parking spaces are layout such that some spaces will be just less than 90 feet from a landscaped area.
10.4	<i>There shall be at least some plant material meeting the specifications of Section 10.6 within each landscaped area, preferably trees.</i>	x	There will be a mix of vegetation in each landscaped area. Approximately 120 trees will be planted around the perimeter of the lots.
10.4	<i>Some form of water facility or irrigation should be provided to establish and maintain the plants within the parking lot area.</i>	x	No irrigation is proposed for the site. The plans state that the contractor shall provide complete maintenance of the lawns and plantings and supplemental watering for new lawns and plantings during the one year plant guarantee period.

## Appendix D: Block 5 & 6 Conditions

#	Condition	Complete	To Be Evaluated By:	Timeframe for Compliance	Verified (initial)	Notes
<b>A. General</b>						
1	Approval is based upon the application stamped in at the City Clerk's office on July 2, 2012, including the following plans dated June 15, 2012: <ul style="list-style-type: none"> <li>• C-1 Legend and General Notes</li> <li>• C-2 &amp; C-3 Neighborhood Context Map 1 &amp; 2</li> <li>• C-4 &amp; C-5 Overall Site Plan 1 &amp; 2</li> <li>• C-6 &amp; C-7 Layout and Materials Plan Block 6 &amp; Block 5</li> <li>• C-8 &amp; C-9 Grading and Drainage Block 6 &amp; Block 5</li> <li>• C-10 &amp; C-11 Utility Plan Block 6 &amp; Block 5</li> <li>• C-12 &amp; C-13 Detail Sheets</li> <li>• P-1-P-5 Planting Plans</li> <li>• P-6 Detail Sheet</li> </ul>		Planning Director	Continuous		
2	The Applicant shall submit an operating plan to Planning Staff for review and approval. The plan shall ensure that the use of the parking lot is limited to retail customers.		Plng.	Prior to use of the parking lots		

#	Condition	Complete	To Be Evaluated By:	Timeframe for Compliance	Verified (initial)	Notes
3	<p>The Planning Board and Applicant understand that the intent of the parking areas is for them to be temporary until such time as the applicant is able to build the structures that are permitted under the PUD (Case #2006-59). The permit for parking on Block 5 will remain valid until such time as the applicant secures all approvals and commences construction of a building on Block 5 consistent with the PUD master plan. The permit for parking on Block 6 will remain valid until such time as the applicant secures all approvals and commences construction of a building on Block 6 consistent with the PUD master plan. Should such construction not commence prior to January 1, 2015, on or before that date the applicant shall appear before the Planning Board to provide an update on the status of constructing buildings on blocks 5 and 6. Thereafter, the applicant shall return to the Planning Board every 12 months to provide an update on the status of constructing buildings on these Blocks until such time as construction has commenced on both Blocks, provided the Planning Director may waive the requirement for the applicant to return</p>		Plng.	January 1, 2015 and annually unless waived by Planning Director until construction of a building commences		
4	<p>The Applicant, its successors and/or assigns, shall be responsible for maintenance of all on-site amenities, including landscaping, fencing, lighting, parking areas and storm water systems, ensuring they are clean, well kept and in good and safe working order.</p>		ISD	Continuous		
5	<p>Landscaping should be installed and maintained in compliance with the American Nurserymen's Association Standards.</p>		ISD	Continuous		
6	<p>The Applicant shall contact Planning Staff at least five working days in advance of a request for a final inspection by Inspectional Services to ensure the proposal was constructed in accordance with the plans and information submitted and the conditions attached to this approval.</p>		Planning Director	Sign-off		