



City of Somerville

PLANNING BOARD

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

2021 OCT 19 P 2:34

DECISION

PROPERTY ADDRESS: 111 South Street
CASE NUMBER: P&Z 21-077
OWNER: Boynton Yards LandCo LLC
OWNER ADDRESS: 10 Post Office Square, Boston, MA 02109
DECISION: Approved (SPA)
DECISION DATE: October 7, 2021

CITY CLERK'S OFFICE
SOMERVILLE, MA

This decision summarizes the findings made by the Planning Board regarding the development review application submitted for 111 South Street.

LEGAL NOTICE

Boynton Yards LandCo LLC proposes to develop a Neighborhood Park in the High Rise district, which requires Site Plan Approval.

RECORD OF PROCEEDINGS

On September 23, 2021 the Planning Board held a public hearing advertised in accordance with M.G.L. 40A and the Somerville Zoning Ordinance. Present and sitting were Planning Board members Michael Capuano, Rob Buchanan, Jahan Habib, and Erin Geno. Boynton Yards LandCo LLC provided an overview of the proposed Neighborhood Park. Following a presentation by the Applicant, the Board opened up public testimony. The Board received no public testimony. The Board asked staff if the Civic Space will be transferred to the City for ownership, and how maintenance agreements will be enforced. The Board asked the Applicant if they have given any consideration into incorporating rabbit resistant flowers into the landscaping and if they have given any considerations of the location of the proposed catenary lights. The Board left written testimony open until Friday October 1, 2021 and continued the public hearing.

On October 7, 2021 the Planning Board resumed the public hearing. Present and sitting were Planning Board members Michael Capuano, Rob Buchanan, Jahan Habib, Erin Geno, and Debbie Howitt Easton. The Board open public testimony and received none. Clerk Buchanan brought up the idea of applying a potential condition for the location of the proposed catenary lights. The Board declined to adopt the proposed condition.

SITE PLAN APPROVAL FINDINGS

Site Plan Approval

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

[Type here]

The proposal will assist significantly in achieving goals laid out in the SomerVision 2030 Comprehensive Plan concerning public space, the Union Square Neighborhood Plan, the Boynton Yards Urban Design Framework, the Somerville Open Space and Recreation Plan, and the Somerville Urban Forest Management Plan including, but not limited to the following:

- To contribute publicly accessible open space towards the goal of developing 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.
- To contribute to the goal of at least 2.5 acres of public space in the Boynton Yards neighborhood.
- To create new civic spaces, including a centralized, multi-purpose public space.
- To ensure essential ecosystem services are restored in the sub-area including a tree planting strategy with a goal to bring tree canopy cover to at least 15% following 10 years of growth.
- To plant a diversity of tree species to ensure Somerville's urban forest is sustainable and resilient to climate change and invasive pest infestations.

The proposed civic space lot ownership will be turned over to the City of Somerville with an operation and maintenance agreement for the Applicant to maintain the space in perpetuity. In order for the civic space to contribute to the City's open space inventory, the space must be clearly identified and readable as open meaningfully and successfully to the public. Civic space signage with the management company's contact information, a statement that the space is open to the public, as well as naming the civic space all contribute to ensuring the space is understood by the community as a public amenity.

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

The proposal is consistent with the intent of the HR zoning district which is, in part, "to accommodate [] neighborhood-, community-, and regional-serving uses []. The proposal is also consistent with the intent of the Boynton Yards overlay district which, is in, part, to permit the development of multiple lots including buildings, civic spaces, and thoroughfares as identified in the master plan.

The proposal will provide the development of the first civic space, a neighborhood park, in conjunction with the 101 and 121 South Street (808 Windsor St) buildings.

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

The Board believe this civic space proposal includes a number of amenities in response to community feedback and will contribute to transforming the Boynton Yards

[Type here]

neighborhood into a destination and anchor for a newly developing area of Somerville. No other mitigation is proposed due to a perceived lack of remaining negative impacts directly attributable to the proposed civic space.

DECISION

Following public testimony, review of the submitted plans, and discussion of the statutorily required considerations, Chair Capuano moved to approve the **SITE PLAN APPROVAL**. Clerk Buchanan seconded. The Board voted **5-0** to approve the permit, subject to the following conditions:

Perpetual

- This Decision must be recorded with the Middlesex South Registry of Deeds.
- Construction documents must be substantially equivalent to the approved plans and other materials submitted for development review.
- Development must comply with the approved Master Plan Special Permit dated February 4, 2021, as applicable.
- The neighborhood park (Civic Space 1) must be dedicated to the public by a covenant or other deed restriction.
- This Decision is not valid unless a land plat is approved to establish the 111 South Street lot and recorded with the Middlesex South Registry of Deeds.
- The property owner is responsible for the construction and all regular and long-term operations, maintenance, replacement, insurance, and other applicable costs associated with the neighborhood park including, but not limited to, utilities and utility service, stormwater management infrastructure, landscaping, paving, furnishings, and other associated features.
- The property owner shall provide a right of first refusal to the Somerville Memorialization Committee to name the neighborhood park.
- The property owner shall name the neighborhood park as specified by the Somerville Memorialization Committee.
- The neighborhood park must be provided with signage conforming to the standards in the Division of Public Space & Urban Forestry Park Specifications Handbook and including, at minimum, the name of the park, the management company's contact information, and a statement that the space is open to the public, along with the rules and hours of operation.
- This Decision does not authorize the removal of any public shade trees or private trees, which is subject to the Tree Preservation Ordinance (Chapter 12, Article VI) of the Somerville Code of Ordinances.

Prior to Civic Space Permit

- Physical copies of all development review submittal materials, as permitted by the Planning Board, must be submitted to the Planning & Zoning Division for the public record.

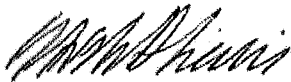
Prior to Certificate of Occupancy

[Type here]

- All Phase 2 conditions of the Master Plan Special Permit dated February 4, 2021 must be completed prior to applying for a Certificate of Occupancy.
- A written narrative or descriptive checklist identifying the completion or compliance with permit conditions must be submitted to the Inspectional Services Department at least ten (10) working days in advance of a request for a final inspection.

Attest, by the Planning Board:

Michael Capuano, *Chair*
Rob Buchannan, Clerk
Jahan Habib
Erin Geno
Debbie Howitt Easton



Sarah Lewis,
Director of Planning & Zoning

[Type here]

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