



City of Somerville

## PLANNING BOARD

City Hall 3<sup>rd</sup> Floor, 93 Highland Avenue, Somerville MA 02143

### DECISION

**PROPERTY ADDRESS:** 153 South Street  
**CASE NUMBER:** P&Z 21-098  
**OWNER:** Boynton Yards LandCo LLC  
**OWNER ADDRESS:** 10 Post Office Square, Boston, MA 02109  
**DECISION:** Approved with Conditions (Subdivision Plan Approval)  
**DECISION DATE:** October 21, 2021

2021 OCT 28 P 2:15  
CITY CLERK'S OFFICE  
SOMERVILLE, MA

This decision summarizes the findings made by the Planning Board regarding the development review application submitted for 153 South Street.

### LEGAL NOTICE

Boynton Yards LandCo LLC seeks approval of a plat plan establishing new rights of way for a thoroughfare, which requires subdivision plan approval.

### RECORD OF PROCEEDINGS

On October 21, 2021 the Planning Board 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 Chair Michael Capuano, Clerk Rob Buchannan, Jahan Habib, Erin Geno and Debbie Howitt Easton with Vice Chair Amelia Aboff recused. After a brief presentation of the preliminary plat by the Applicant, the Board opened public testimony and received none. Staff provided a comment that final plat plan approval will transpire once the decision has been filed with the City Clerks office, appeal period has ended and final sign off by the Board occurs. The Board didn't have any further questions for the applicant or staff.

### SUBDIVISION PLAN APPROVAL FINDINGS

In accordance with the Somerville Zoning Ordinance, the Board may approve or deny a 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 proposed subdivision is consistent with SomerVision, the comprehensive Master Plan, and the Union Square Neighborhood Plan (USNP). The USNP identifies Boynton Yards as a place for mixed-use development with an emphasis on commercial space. The proposal meets the standards for platting land and the submittal of plat plans for approval through SPA.

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

The Board find that the proposed subdivision meets the intent of the HR district because it upholds the *mix of multi-story, multi-unit, mixed-use, and commercial buildings; neighborhood-, community-, and region-serving uses; and a wide variety of employment opportunities.*

## DECISION

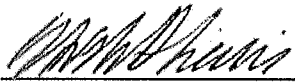
Following public testimony, review of the submitted plans, and discussion of the statutorily required considerations, Chair Capuano moved to approve the subdivision plan approval with the conditions included in the staff memo. Clerk Buchanan seconded. The Board voted **5-0** to approve the permit, subject to the following conditions:

### Perpetual

1. This Decision and final subdivision plat must be recorded with the Middlesex South Registry of Deeds.
2. Final subdivision plat must be substantially equivalent to the approved preliminary plat plan.
3. A public right-of-way easement must be provided in perpetuity by a covenant or other deed restriction for Lot 2C-2, Lot 1A, and Parcel B-3B unless the land is conveyed to the City of Somerville. Final easement language must be approved by the City Solicitor.

Attest, by the Planning Board:

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



Sarah Lewis, Director of Planning, Preservation & Zoning  
Office of Strategic Planning & Community Development

**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.

**FOR SUBDIVISION PLAN APPROVALS(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 \_\_\_\_\_