



City of Somerville

PLANNING BOARD

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

DECISION

PROPERTY ADDRESS: Assembly PUD-PMP Amendment (Block 7A)
CASE NUMBER: P&Z 22-064
OWNER: Street Retail, LLC
OWNER ADDRESS: 909 Rose Avenue, Suite 200, North Bethesda, MD 20852
DECISION: Approved with Conditions
(Plan Revision – Major Amendment)
DECISION DATE: May 19, 2022

This decision summarizes the findings made by the Planning Board (the “Board”) regarding the Major Amendment submitted for the Assembly Square Planned Unit Development-Preliminary Master Plan (PUD-PMP).

LEGAL NOTICE

Street Retail, LLC seeks a Major Amendment to Assembly Square Planned Unit Development-Preliminary Master Plan, Case # PB 2006-59 (as amended) to incorporate the Block 7A Guidelines and strike Block 7 from Condition 39.2.

RECORD OF PROCEEDINGS

On May 19, 2022, 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, Vice Chair Amelia Aboff, Clerk Erin Geno, Jahan Habib, and Alternate Debbie Howitt Easton. The Applicant gave a brief presentation of the requirement to incorporate design guidelines into the PUD-PMP with each project added to the master plan for site plan approval. To incorporate the guidelines, condition language must be altered to demonstrate the compliance. The Board voted to approve the Major Amendment.

FINDINGS

The master plan for this development project was permitted as a Planned Unit Development – Preliminary Master Plan (PUD-PMP) under the previous zoning ordinance. As provided by Section 7.4.3.c of the SZO and the Amended PUD-PMP, the project remains governed by the substantive provisions of the 8/1/2019 zoning ordinance. The next step under that ordinance would have been an application for a Special Permit with Site Plan Review–A (SPSR-A); however, as that process no longer exists, this proposal has followed the same procedures, but the process is now called “Site Plan Approval with Special Permit”.

Please refer to the attached Appendices for the required review of items under the approved PUD-PMP.

In accordance with the Somerville Zoning Ordinance, the Board approved a Plan Revision – Major Amendment 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 that this proposal supports the goals laid out in SomerVision 2040, the comprehensive master plan for the City of Somerville, particularly the following:

- Promote a dynamic urban streetscape that embraces public transportation, reduces car dependence, and is accessible, inviting, and safe for all pedestrians, bicyclists, and transit riders.

The Board further finds that the proposal will assist in the planning goals set for the neighborhood by the October 2000 Assembly Square Planning Study and ongoing work on the Assembly Square Neighborhood to facilitate the ongoing transition from a regional retail, industrial, warehouse/distribution, and rail yard, to a vibrant, walkable and bikeable, 24-hour neighborhood featuring residential, retail, restaurant and entertainment, office, and open space.

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

The Board finds that the proposal will amply support the intent of the Assembly Square Mixed-Use (ASMD) zoning district which is, in part:

- To implement the recommendations of SomerVision for transformational redevelopment.
- To redevelop underutilized areas within close walking distance to the Assembly Square T-station with mixed-use, mid-rise and high-rise, transit-oriented development that will support the transformation of Assembly Square into an urban commerce center.

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

The Board finds that the Applicant has made efforts to design beyond the PUD requirements to which the project is held and has closely approached the standards and requirements specified in the current zoning ordinance.

DECISION

Following public testimony, review of the submitted plans, and discussion of the statutorily required considerations, Michael Capuano moved to approve the Plan Revision – Major Amendment to Assembly Square Planned Unit Development-Preliminary Master Plan, Case # PB 2006-59 (as amended) to incorporate the Block 7A

Guidelines and strike Block 7 from Condition 39.2. Amelia Aboff seconded. The Board voted **5-0** to approve the permit, subject to the following conditions:

Perpetual

1. This Decision must be recorded with the Middlesex South Registry of Deeds.

Prior to Building Permit

2. Physical copies of all development review submittal materials, as permitted by the Planning Board, must be submitted to the Planning, Preservation, & Zoning Division for the public record.
3. A copy of the recorded Decision stamped by the Middlesex South Registry of Deeds must submitted to the Planning, Preservation, & Zoning Division for the public record.

Attest, by the Planning Board:

Michael Capuano, *Chair*
Amelia Aboff, *Vice Chair*
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.**

Signed _____ City Clerk Date _____