



City of Somerville

PLANNING, PRESERVATION & ZONING

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

TO: Kimberly Wells, City Clerk
FROM: Planning, Preservation & Zoning Division Staff
DATE: June 16, 2022
SUBJECT: Correction of Scrivener's Errors

Address: 31 Tufts Street (P&Z 22-033)

Date of Decision: April 15, 2022

Date Filed with City Clerk: April 19, 2022

This decision for this property filed in the City Clerk's Office on the date referenced above contained the following scrivener's errors:

- The header for the decision should say Zoning Board of Appeals, not the Planning Board.
- In the first paragraph, last sentence, only the Zoning Board of Appeals should be mentioned, no the Planning Board.

This memo serves as the correction of these scrivener's errors.



City of Somerville

Zoning Board of Appeals ~~PLANNING~~ BOARD

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

DECISION

PROPERTY ADDRESS: 31 Tufts Street
CASE NUMBER: P&Z 22-033
OWNER: E3 Development LLC
OWNER ADDRESS: 40 Homer Street, Newton, MA 02459
DECISION: Approved with Conditions
DECISION DATE: April 15, 2022

Pursuant the Somerville Planning Board's Rules of Procedure & Policy, land platting involving only a lot split, lot merger, or lot line adjustment as defined by the Somerville Zoning Ordinance, requires only Minor Site Plan Approval, with the Director of Planning, Preservation & Zoning serving as the decision-making authority in-lieu of the ~~Planning Board~~ Zoning Board of Appeals.

This decision summarizes the findings made by the Director of Planning, Preservation & Zoning regarding the application submitted for a lot split at 31 Tufts Street.

SUMMARY OF PROPOSAL

E3 Development LLC proposes to replat the boundaries of 31 Tufts (MBL# 93-A-13) in order to create two (2) zoning compliant lots, one (Lot 1) to provide a site for the development of a new net-zero ready, 100% affordable housing Apartment Building and the other (Lot 2) to provide for the creation of a Pocket Park civic space type. Following establishment of the new lot line, a portion of the Pocket Park area will overlap the lot boundary to fall within the building's frontage area on Lot 1.

RECORD OF PROCEEDINGS

On March 15, 2022, the Director of Planning, Preservation & Zoning reviewed the submitted application materials.

FINDINGS

In accordance with the Somerville Zoning Ordinance and the Planning Board's Rules of Procedure and Policies for minor site plan approvals, the Director of Planning, Preservation & Zoning 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 Director finds that the proposed lot split supports the following goals of SomerVision 2040, the comprehensive Plan of the City of Somerville:

- Significantly increase housing stock to keep up with demand while pursuing the goals of increasing the proportion of affordable housing and housing stock diversity.
- Ensure Somerville civic spaces are for the entire community. They should be welcoming and easily accessible, and people should feel empowered to enjoy them and improve them.

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

The Director finds that the proposed lot split is consistent with the intent of the UR district which is, in part, “[t]o create, maintain, and enhance areas appropriate for multi-unit residential buildings.”

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

The proposed lot split will result in a portion of the Pocket Park overlapping the boundary between Lot 1 and Lot 2. The Director previously determined that the portion of the Pocket Park within Lot 2 is sufficient to satisfy the requirements of the SZO for this civic space type (Administrative Plan Revision letter dated March 15, 2022). However, the Director finds that, in order to maintain the portion of Lot 1 as park space in keeping with the approved proposal for this site (see P&Z 20-004), an easement should be created across that portion of Lot 1. The Director finds that the proposed lot split, as conditioned, does not cause any impacts deserving of mitigation.

DECISION

Following review of the submitted application materials and the statutorily required considerations, the Director of Planning, Preservation & Zoning **APPROVED** the Site Plan Approval authorizing a lot split on behalf of the Board, subject to the following conditions:

Prior to Construction Permitting:

1. This Decision and approved and endorsed lot split of land must be recorded with the Middlesex South Registry of Deeds.
2. A Copy of the Recorded Decision stamped by the Middlesex County South Registry of Deeds must be submitted for Public Record.
A pedestrian access easement must be provided in perpetuity by a covenant or other deed restriction on the portion of Lot 1 indicated on the approved plans. Final easement language must be approved by the City Solicitor.



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 _____