



City of Somerville

PLANNING BOARD

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

DECISION

PROPERTY ADDRESS: 231-249 Elm Street and 6-8 & 12 Grove Street
CASE NUMBER: P&Z 21-068
OWNER: Scape Davis Square LLC
OWNER ADDRESS: 88 Black Falcon Pier, Suite 301,
Boston, MA 02210
DECISION: Approved with Conditions
DECISION DATE: September 22, 2022

SEP 22 PM 12:13
CITY CLERK'S OFFICE
SOMERVILLE, MA

This decision summarizes the findings made by the Planning Board (the "Board") regarding the Site Plan Approval submitted for 231-249 Elm Street and 6-8 & 12 Grove Street.

LEGAL NOTICE

Scape Davis Square, LLC proposes to develop a LEED Platinum four (4) story Lab Building in the Commercial Core 4 (CC4) district, which requires Site Plan Approval.

RECORD OF PROCEEDINGS

On August 4, 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, and Member Jahan Habib. The Applicant provided a presentation that gave an overview of the proposed lab building to the Board. Chair Capuano opened public testimony and the Board took testimony in support and against the application. The public testimony received included but was not limited to concerns regarding the level of lab and biohazard safety, impacts of construction on Elm Street, loading and traffic, and displacement concerns for small-owned businesses in Davis Square. The Board continued the public hearing.

On August 18, 2022, the Board resumed the public hearing. Present and sitting at the public hearing were Board members Chair Michael Capuano, Clerk Erin Geno, Member Jahan Habib, and Alternate Debbie Howitt Easton. Alternate Easton reviewed the recording and evidence of the hearing on August 4, 2022 and filed a signed affidavit with Staff, allowing her to participate in the Application review. The Applicant provided a brief overview of the presentation at the previous hearing. Alternate Easton and Clerk Geno addressed the public concerns with the level of lab being proposed and whether there will be biohazard safety consequences. Staff responded that the biosafety ordinance is currently in effect and the Somerville Biosafety Committee has started review of all lab buildings after building permits and prior to operation of the use. Chair Capuano addressed the public concerns surrounding commercial displacement and requested Staff to research how the Board has dealt with displacement in the past. Member Habib

requested whether there was precedence of a lab building in a similarly scaled Square that Board members could consider to better understand the potential impacts. The Board continued the public hearing.

On September 8, 2022, the Board resumed the public hearing. Present and sitting at the public hearing were Chair Michael Capuano, Vice Chair Amelia Aboff, Clerk Erin Geno, Member Jahan Habib, and Alternate Debbie Howitt Easton. Vice Chair Aboff reviewed the recording and evidence of the hearing on August 18, 2022 and filed a signed affidavit with Staff, allowing her to participate in the Application review. The Applicant provided a brief overview of the project. Economic Development Staff presented on City efforts to address potential displacement within the Square to the Board. Staff clarified that although the City would like to assist small-owned businesses to remain within the Square, not all businesses are willing to stay. Clerk Geno asked about the public process and notification for meetings of the Somerville Biosafety Committee, and further addressed the public concerns surrounding the level of lab for the lab building. Staff reminded the Board that the Somerville Biosafety Committee reviews all lab buildings and the level of lab of the proposed lab building is outside the purview of the Board. Vice Chair Aboff expressed concerns regarding the condition language in the staff memo towards the existing trees and requested Staff to amend the language to ensure the preservation of the existing trees on Elm Street. After further deliberation, the Board moved to approve with conditions the Site Plan Approval for the proposed lab building.

PLANS & DOCUMENTS

Application plans, documents, and supporting materials submitted and reviewed are identified below.

Document	Pages	Prepared By	Date	Revision Date
231-249 Elm Street Project Narrative	2	Utile (115 Kingston St, Boston, MA 02111)	April 12, 2022	n/a
231-249 Elm Street Plan Set	25	Utile (115 Kingston St, Boston, MA 02111)	April 12, 2022	n/a
231-249 Elm Street Neighborhood Meeting 1 Report	16	Utile (115 Kingston St, Boston, MA 02111)	April 12, 2022	n/a
231-249 Elm Street Neighborhood Meeting 2 Report	9	Utile (115 Kingston St, Boston, MA 02111)	April 12, 2022	n/a
231-249 Elm Street Design Review Report	7	Utile (115 Kingston St, Boston, MA 02111)	April 12, 2022	n/a
231-249 Elm Street Landscape Plan Set and Green Score	8	Richard Burck Associates (7 Davis Square, Somerville, MA 02144)	April 12, 2022	July 14, 2022
231-249 Elm Street Plot Plan	1	Feldman Land Surveyors (152 Hampden Street, Boston, MA 02119)	April 3, 2019	n/a
231-249 Elm Street Signage Plan	4	Utile (115 Kingston St, Boston, MA 02111)	April 12, 2022	n/a
231-249 Elm Street Transportation Access Plan	14	VHB (101 Walnut Street, PO Box 9151)	April 12, 2022	n/a
231-249 Elm Street Transportation Impact Study	598	VHB (99 High Street, 10 th Floor, Boston, MA 02110)	April 11, 2022	n/a
231-249 Elm Street Mobility Management Plan	41	VHB (99 High Street, 10 th Floor, Boston, MA 02110)	February 4, 2022	Approved by Mobility Division on April 11, 2022

231-249 Elm Street Sustainability & Resilient Building Questionnaire	16	Utile (115 Kingston St, Boston, MA 02111)	December 28, 2021	n/a
231-249 Elm Street LEED Narrative and Affidavit	10	The Green Engineer, Inc (23 Bradford St, Concord, MA 01742)	April 12, 2022	n/a
231-249 LEED Project Scorecard	1	The Green Engineer, Inc (23 Bradford St, Concord, MA 01742)	April 11, 2022	n/a
231-249 Elm Street Dark Sky Compliance Report	1	Utile (115 Kingston St, Boston, MA 02111)	April 12, 2022	n/a

SITE PLAN APPROVAL FINDINGS

In accordance with the Somerville Zoning Ordinance, the Board may approve 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 this project supports the goals laid out in SomerVision 2040, the City's Comprehensive Master Plan, including the following:

- Build a sustainable future through climate leadership, balanced transportation, engaging civic spaces, exceptional educational opportunities, improved health, varied and affordable housing options, and the responsible use of our natural resources.
- 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.
- Invest in the growth of a resilient economic base that is centered around transit, generates a wide variety of job opportunities, creates an active daytime population, supports independent local businesses, and secures fiscal self-sufficiency.
- Create an environment that enables existing small businesses to thrive and produce entrepreneurial opportunities for new ones. Ensure that the regulatory environment supports the innovative business models necessary for businesses to adapt.
- Protect and foster the diversity of our people, culture, and economy.

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

The Board finds that this project meets the intent of the Commercial Core 4 (CC4) zoning district is, in part: "[t]o create, maintain, and enhance areas appropriate for moderately-scaled single and multi-use commercial buildings; neighborhood, community, and region serving uses; and a wide variety of employment opportunities."

The Board finds that this project supports the intent and purpose of the Small Business Overlay District, including the following:

- To create, maintain, and enhance locations appropriate for neighborhood and community-serving businesses.

- To require multiple ground story commercial spaces for real property in underlying mid-rise, high-rise, and commercial districts.
3. *Mitigation proposed to alleviate any impacts attributable to the proposed development.*

The Board finds that as conditioned, the proposal is not anticipated to create any negative impacts that require mitigation.

DECISION

Following public testimony, review of the submitted plans, and discussion of the statutorily required considerations, Chair Michael Capuano moved to approve the **Site Plan Approval** to develop a LEED Platinum four (4) story Lab Building in the Commercial Core 4 (CC4) district. Vice Chair 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.
2. Utility meters are not permitted on any facade or within the frontage area of the lot.
3. The property owner is responsible for all of the regular and long-term maintenance, replacement, insurance, and other applicable costs associated with all on-site sidewalk improvements.
4. The property owner and applicable future tenants shall comply with the Mobility Management Plan dated April 11, 2022, as approved and conditioned by the Director of Mobility.
5. An annual report, including documentation of any changes to the layout plan or operations plan of the parking facility, must be submitted to validate continued compliance with the Somerville Zoning Ordinance, this Decision, and the Director of Mobility's standards for monitoring and annual reporting.
6. The underground structured parking must be operated as a Commercial Parking facility principal use.

Prior to Building Permit

7. Construction documents must be substantially equivalent to the approved plans and other materials submitted for development review.
8. One (1) physical copy of the original application materials and one (1) digital and (1) physical copy of all required application materials reflecting any physical changes required by the Board, if applicable, must be submitted to the Planning, Preservation & Zoning Division for the public record.
9. A copy of the recorded Decision stamped by the Middlesex South Registry of Deeds must be submitted to the Planning, Preservation & Zoning Division for the public record.
10. Material specifications from suppliers must be submitted to confirm fenestration glazing is compliant with the VLT and VLR ratings required by the Somerville Zoning Ordinance.

11. An updated outdoor lighting plan and supplier cut sheet specifications of chosen lighting fixtures must be submitted to confirm compliance with Section 10.7 Outdoor Lighting of the Somerville Zoning Ordinance. The site photometric plan must include a keyed site plan identifying the location of all luminaires; total site lumen limit table (calculations from the SZO); lighting fixture schedule indicating the fixture type, description, lamp type, lumens, color temperature, color rendering index, BUG rating, mounting height, and wattage of all luminaires; and notation of any timing devices used to control the hours set for illumination.
12. Scape Davis Square, LLC shall submit detailed plans for protecting and preserving the existing street trees on Elm Street intended to remain during construction for approval by the City Arborist and shall follow the approved plans.
13. A layout plan identifying all parking access and revenue control features for the parking facility must be submitted to the Director of Mobility for approval prior to applying for a Building Permit.
14. The initial operations plan for the Commercial Parking facility identifying, at least, the type and pricing of various passes, rates, and fees must be submitted to the Director of Mobility.
15. Garage entrances shall be a maximum of 10 feet in width for each vehicle lane (entering and exiting the garage), so that the total curb cut for the garage entrance is no wider than 20 ft.
16. If the loading area curb cut is designed to accommodate two trucks at the same time, each lane shall be a maximum of 10 feet in width, with a maximum curb cut width of 20 feet for the proposed loading area.
17. All curb cuts must comply with zoning and be constructed so that the grade, cross slope, and clear width of the walkway of the sidewalk is maintained between the driveway apron and the abutting driveway. The appearance of the walkway (i.e., scoring pattern or paving material) must indicate that, although a vehicle may cross, the area traversed by a vehicle remains part of the continuous sidewalk through curb cut.
18. All Stage 2 documentation required by the Office of Sustainability & Environment's LEED Certifiability Requirements.
19. The building must be registered with the USGBC and evidence that the required registration forms were submitted, and registration fee were paid must be submitted to the Office of Sustainability & Environment prior to applying for a Building Permit.
20. Scape Davis Square, LLC shall submit a Construction Management Plan (CMP) for Engineering and Mobility Division review and comment twenty-one (21) days prior to submission of the Building Permit.

Prior to Certificate of Occupancy

21. 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.
22. Frontage area provided for a widened sidewalk along Elm Street must be designed and paved to properly correspond with any sidewalk improvements approved within the public right-of-way.

23. A pedestrian access easement must be provided in perpetuity by a covenant or other deed restriction for the full area of the sidewalk and curb ramps provided within the frontage area of the lot. Final easement language must be approved by the City Solicitor.
24. Scape Davis Square, LLC shall install a raised pedestrian crossing adjacent to the project site at Grove and Elm Streets, or an acceptable and preferred alternative, with review and approval by Engineering. Scape Davis Square, LLC shall reconstruct all Accessible Curb Ramps (ACRs) adjacent to the project site on both sides of the street crossings.
25. Scape Davis Square, LLC shall reconstruct the Elm Street sidewalk curb line to the existing (one-lane operation) fog line for a sidewalk width of approximately 20 feet inclusive of any parking and/or loading spaces. Final design must be submitted to the Engineering Department for approval prior to construction by Engineering's Streetscape Construction Permit.
26. In order to accommodate future signal timing changes and other off-site transportation improvements in the neighborhood necessary to support the proposed development, Scape Davis Square, LLC will contribute to an Elm Street Reconstruction Stabilization Fund in cooperation with the Director of Engineering and Mobility.
27. To mitigate transportation impacts, Scape Davis Square, LLC shall construct a raised intersection with four-way crosswalks at the intersection of Elm St and Grove St prior to the issuance of Certificate of Occupancy. Final design must be approved by relevant City departments.
28. To mitigate transportation impacts, Scape Davis Square, LLC shall improve the accessibility and comfort of the existing MBTA bus stop on Elm St @ Chester St by constructing an in-lane bus stop curb extension, or other improvements approved by the Director of Mobility, prior to the issuance of Certificate of Occupancy. Final design must be approved by relevant City departments.
29. To mitigate transportation impacts, Scape Davis Square, LLC shall improve the accessibility and comfort of the existing MBTA bus stop on Elm St @ Chester St by constructing an in-lane bus stop curb extension, or other improvements approved by the Director of Mobility, prior to the issuance of Certificate of Occupancy. Final design must be approved by relevant City departments.
30. All Stage 3 documentation required by the Office of Sustainability & Environment's LEED Certifiability Requirements.

Attest, by the Planning Board:

Michael Capuano, *Chair*
Amelia Aboff, *Vice Chair*
Erin Geno, *Clerk*
Jahan Habib
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 _____