



City of Somerville

## PLANNING BOARD

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

2022 OCT -6 A II: 35

### DECISION

**PROPERTY ADDRESS:** 50 Webster Avenue  
**CASE NUMBER:** P&Z 21-060  
**OWNER:** US Union Square D3.1 Owner LLC  
**OWNER ADDRESS:** 31 Union Square, Somerville, MA 02143  
**DECISION:** Approved with Conditions (Site Plan Approval)  
**DATE OF VOTE:** September 22, 2022  
**DECISION ISSUED:** October 6, 2022

CITY CLERK'S OFFICE  
SOMERVILLE, MA

This decision summarizes the findings made by the Planning Board (the "Board") regarding the Site Plan Approval (or under the previous ordinance, Design and Site Plan Review) application submitted for a building at 50 Webster Avenue.

### LEGAL NOTICE

US Union Square D3.1 Owner LLC seeks to develop a nine (9) story Life Science Building in the HR zoning district, which requires Site Plan Approval.

### RECORD OF PROCEEDINGS

On September 8, 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, Clerk Erin Geno, Jahan Habib, and Alternate Debbie Howitt Easton. The Applicant provided a presentation on the proposed building and its compliance with the Union Square Coordinated Development Special Permit (case # PB2017-21). Following a request by the Chair, PPZ Staff reviewed the concerns described in the Staff Memo for the project and proposed conditions of approval. The Chair opened public testimony on the case, but none was given. Planning Board members then discussed questions and concerns, including wind impacts, site accessibility, solar glare, and traffic impacts from the proposed alley. The Board continued the public hearing.

On September 22, 2022, the Board resumed the public hearing. Present and sitting at the public hearing were Board Members Chair Michael Capuano, Clerk Erin Geno, Jahan Habib, and Alternate Debbie Howitt Easton. The Applicant responded to questions asked at the previous meeting, including how the site design would address wind impacts, solar glare, site accessibility, and traffic impacts. No new information was entered into the record, although the Applicant clarified information provided in the application. PPZ Staff confirmed that the Applicant has addressed all Staff concerns at this point in the process. The Board stated that they would like an additional condition that the Applicant will work with relevant Staff to ensure plantings appropriately mitigate impacts from moderate winds on the site.

## PLANS & DOCUMENTS

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

Document	Pages	Prepared By	Date	Revision Date
D3.1 – 50 Webster Ave: Project Narrative	29	US2, 31 Union Square, Somerville, MA 02143	Submitted May 6, 2022	n/a
D3.1 – 50 Webster Ave: Compliance Report	30	US2, 31 Union Square, Somerville, MA 02143	Submitted May 6, 2022	July 15, 2022
D3.1 – 50 Webster Ave: Environmental Analysis	98	US2, 31 Union Square, Somerville, MA 02143	Submitted May 6, 2022	n/a
D3.1 – 50 Webster Ave: Site Plan Sheets	52	US2, 31 Union Square, Somerville, MA 02143; Spagnolo Gisness & Associates, 200 High St., Floor 2, Boston, MA 02110; Howard Stein Hudson, 11 Beacon St, Ste 1010, Boston, MA 02108	Submitted May 6, 2022	July 15, 2022
50 Webster Ave: Certificate of Required Materials by City of Somerville Mobility Division	1	City of Somerville, Mobility Division, 93 Highland Ave., Somerville, MA 02143	May 3, 2022	n/a
50 Webster Ave: Transportation Access Plan	23	Howard Stein Hudson, 11 Beacon St, Ste 1010, Boston, MA 02108	May, 2022	September, 2022
D3.1 – 50 Webster Ave: Application Appendix	159	US2, 31 Union Square, Somerville, MA 02143	Submitted May 6, 2022	n/a
50 Webster Ave: Certificate of Required Materials by City of Somerville Dept. of Sustainability & Environment	1	City of Somerville, Office of Sustainability & Environment, 93 Highland Ave., Somerville, MA 02143	June 13, 2022	n/a
D3 Block and CDSP Compliance Plan	8	US2, 31 Union Square, Somerville, MA 02143	August 25, 2022	n/a

## SITE PLAN APPROVAL FINDINGS

In accordance with the Somerville Zoning Ordinance Union Square Overlay District and, the previously approved Somerville Zoning Ordinance §5.4.6 – Design and Site Plan Review, Findings and Compliance, the Board may approve or approve with conditions a Site Plan Approval upon making findings considering, at least, each of the following:

1. *Compliance with the standards of §5.4 Design & Site Plan Review:*

- a. *The adopted comprehensive Master Plan of the City of Somerville, existing policy plans and standards established by the City, or to other plans to be deemed appropriate by the Planning Board.*

The Board finds the proposal is consistent with the goals laid out in the SomerVision 2040 Comprehensive Plan. Specific goals that will be supported include the following:

- 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.

- Add jobs and encourage more economic development.
- Promote sustainability in commercial development. Ensure that commercial development uses sustainable design, technology, and practices.
- Promote Somerville as a forward-thinking place to do business. Enhance Somerville's reputation as a center for technological and environmental innovation.
- Reduce demand [for parking and personal vehicle use.]
- Prioritize walking, biking, and transit access [by using] more space dedicated to people than cars.

*b. The purpose of this Ordinance in general.*

The Board finds the proposal is consistent with the purpose and intent of the Somerville Zoning Ordinance, including the following:

- To require a strong connection and gradual transition between the public realm (sidewalks, thoroughfares, and civic spaces) and private realm (yards and building interiors).
- To encourage contemporary architectural design for new construction that compliments the established character of existing buildings.
- To increase commercial tax base in support of the fiscal health of the City.
- To protect and promote a diverse mix of businesses.
- To increase accessibility to diverse employment opportunities within Somerville.
- To capture a fiscal return on investments made in transportation infrastructure by locating higher intensity development, employment opportunities, and a broad mix of uses along major corridors and within walking distance of transit stops.
- To encourage the use of public transportation, bicycling, and walking in lieu of motor vehicle use when a choice of travel mode exists
- To ensure that off-street accessory parking for motor vehicles is provided in a manner consistent with the objectives and policies of the comprehensive plan of the City of Somerville.

*c. The purpose of the district where the property is located.*

The Board finds the proposal is consistent with the intent of the HR zoning district which is, in part, "[t]o accommodate neighborhood-, community-, and regional-serving uses." The Board also finds that the proposal is consistent with the intent of the Union Square Overlay District, which is to "facilitate the coordinated redevelopment of multiple parcels located within close walking distance to the future Union Square T-station and accommodate mixed-use, mid-rise and high-rise development that will support the transformation of Union Square into urban employment center."

*d. Considerations indicated elsewhere in this Ordinance for the required Design and Site Plan Review.*

The Board finds the proposal is consistent with the considerations indicated elsewhere in this Ordinance for the required Site Plan Approval (Design and Site Plan Review), as further described.

*2. Consistency with the approved Coordinated Development Special Permit and any previously approved Special Permits, as applicable.*

The Board finds the proposal is consistent with the Coordinated Development Special Permit and any previously approved Special Permits. The CDSP Decision (Case #PB2017-21) was approved with conditions on December 14, 2017. Relevant conditions and compliance are described below:

- Per Condition #3, the lot was platted in a form substantially consistent with the Block and Lot Key Plan dated 10-07-2017 of the Application materials.
- Per Condition #6, the D3.1 parcel is being developed as a Commercial Building/Lab Building/Lined Parking Garage.
- Per Condition #7, the vehicular parking is provided as illustrated in Figure 66: Parking Location Map.
- Per Condition #13, subdivision of land identified in the application materials is being undertaken via Site Plan Approval (stated in the Decision as Design and Site Plan Review), with application materials allowed to be processed simultaneously with SPA applications required for development on the lots resulting subdivision.
- Per Condition #14, the Applicant is seeking approval for the development of the lot as a building via Site Plan Approval (stated in the Decision as Design and Site Plan Review).
- Per Condition #15, the building has undergone design review per the SZO prior to the submittal of an application.
- Per Condition #16, the SPA (DSPR) application may be processed simultaneously with SPA (DSPR) applications for the adjacent civic space and thoroughfare on the D3-1 Block.
- Per Condition #33 the Applicant has assumed responsibility for the installation of all necessary private infrastructure and utility improvements, both on and off the site, needed to support the proposed development.
- Per Condition #34, infrastructure has been designed to meet all requirements and standards of the City and its relevant departments. This condition will continue to be reviewed through the building permit and construction stages.
- Per Condition #37A, the Mobility Management Plan (MMP) has provided a report on bus transit. SPA conditions have been proposed to improve and coordinate bus transit around the site in question.
- Per Condition #38A, the Applicant is providing sheltered and secure bicycle storage facilities in strategic locations.
- Per Condition #46, the MMP provides an implementation schedule for programs and services conditioned as part of the approved plan.
- Per Conditions #47 and #48, appropriate numbers of vehicular parking spaces will be made available for car share and carpool/vanpool options.

- Per Conditions #49 and #50, the proposed commercial garage will be operated by an agency independent of the other tenants of the building, and a sign will be placed at the vehicular entrance to the parking structure that identifies the number of available spaces in real time.
- Per Condition #65, approval of a building pursuant to the SPA (DSPR) approval process acts as certification that the building complies with the findings, limitations, and conditions of the CDSP.
- Per Condition #66, the Applicant has consulted the Engineering Department and received approval for the street address of 50 Webster Avenue for the proposed building lot.
- Per Conditions #68 and 69, the Application identifies the climate vulnerabilities and documents how the proposed development supports the City's sustainability goals.
- Per Condition #70, the Applicant has coordinated with Engineering, and the Application will comply with the City's Stormwater Management Policy. Staff recommend a condition that an updated Stormwater Management Report will be submitted and must be approved by the Engineering Department prior to the issuance of a building permit.
- Per Condition #72, Staff recommend condition of SPA approval that, prior to the issuance of a building permit, the Applicant must submit plan drawings clearly showing all existing municipal fire alarm and related communications infrastructure to be impacted by proposed construction, including but not limited to underground conduit, above-ground alarm boxes and control cabinets. The Applicant shall submit plan drawings clearly showing temporary and permanent relocation of all impacted fire alarm and communications infrastructure necessitated by private construction. Applicant shall meet with Lights and Line Division to discuss plans and address conflicts to avoid service interruption during construction and occupancy phases.
- Per Condition #73A, the Applicant has continued to share plans with the city and OSPCD. Pursuant to this condition, Staff recommend a condition of SPA approval that the Applicant must share the retail plans with Union Square Main Streets and Director of Economic Development and, if requested by those entities, must meet to review the retail plans for the site.
- Per Condition #75, the Applicant has provided material samples to Planning Staff and the design committee (Urban Design Commission) for review, comment, and approval prior to the SPA application.
- Per Condition #77, the Applicant is responsible for maintenance of all buildings and on-site amenities.
- Per Condition #83, the building at D3.1 has been designed for flood tolerance, with elements explained in the application materials.
- Per Condition #84, Engineering and PPZ staff propose a condition of SPA approval that the Applicant will further coordinate with Engineering regarding the evaluation of the proposed Western Avenue sewer and drains systems and their potential relocation prior to the issuance of a building permit.

3. *Consistency with the 2012 Union Square Revitalization Plan and the 2016 Union Square Neighborhood Plan, as amended.*

The Board finds the proposal is consistent with the 2012 Union Square Revitalization Plan and the 2016 Union Square Neighborhood Plan. Specific goals and objectives that will be supported include the following:

- Infill development should contribute to the fiscal health of the city (Union Square Neighborhood Plan and SomerVision).
- The City should utilize land use planning and zoning to increase the commercial tax base (Union Square Neighborhood Plan and SomerVision).
- The City should promote job creation, with a goal of reaching a one-to-one ratio between jobs and resident workforce in Somerville within the next 20 years (Union Square Neighborhood Plan and SomerVision).
- The City should promote growth in strategically targeted economic sectors (Union Square Neighborhood Plan and SomerVision).
- The City should establish policies and regulations that support neighborhood development with a strong relationship to transit (Union Square Neighborhood Plan and SomerVision).
- The City should prepare for the desired level of business and residential development in transformational areas, in terms of power and connectivity capabilities (Union Square Neighborhood Plan and SomerVision).
- The City should implement transportation policies and programs that reduce automobile use (Union Square Neighborhood Plan and SomerVision).
- Generate at least 4,300 new jobs and 850 new housing units in the Union Square Revitalization Area in order to provide employment and housing opportunities for Somerville residents of all socio-economic levels (Union Square Revitalization Plan).
- To improve traffic circulation, manage the extensive flow of through traffic, reduce automobile congestion for destination trips to the Square, and provide centralized parking, all designed to spur economic activity (Union Square Revitalization Plan).
- To link the Medford/McGrath Corridor and Boynton Yards to the Webster/Prospect Corridor and the heart of Union Square in order to give the Revitalization Area a cohesive identity and make it a regional destination (Union Square Revitalization Plan).
- To alleviate the problems of flooding, environmental contamination, and industrial blight in the Revitalization Area (Union Square Revitalization Plan).
- To increase the commercial tax base in the Revitalization Area to finance public improvements in the short term and secure fiscal self-sufficiency for the City in the long term (Union Square Revitalization Plan).

4. *Conformance with all applicable provisions of [the] Ordinance.*

The Board finds the proposal conforms with all applicable provisions of the Somerville Zoning Ordinance and Union Square Overlay District.

## 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 for 50 Webster Avenue, to develop a nine (9) story Lab Building in the HR zoning district. Member Erin Geno seconded. The Board voted **4-0** to approve the permit, subject to the following conditions:

### Perpetual

1. This Decision must be recorded with the Middlesex South Registry of Deeds.
2. This Decision is not valid unless a land plat approved to establish the 50 Webster Avenue lot (Lot 1 on the approved Subdivision Plan Approval) is recorded with the Middlesex South Registry of Deeds.
3. Development must comply with the Development Covenant by and between the City of Somerville and Union Square Station Associates LLC dated June 8, 2017, as amended.
4. The Applicant is responsible for the installation of all necessary private infrastructure and utility improvements, both on and off-site, needed to support the proposed lab building, as approved and conditioned.
5. The property owner and applicable future tenants shall comply with the Mobility Management Plan submitted May 3, 2022, as approved and conditioned by the Director of Mobility.
6. The underground structured parking must be operated as a Commercial Parking facility principal use.
7. Development must comply with the approved Coordinated Development Special Permit dated November 7, 2017.

### Prior to Building Permit

8. Physical copies and one (1) digital copy 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.
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. Prior to the construction of the Building, construction documents must be submitted for review and approval by relevant City departments as part of the Building Permit application for construction.
11. Construction documents must be substantially equivalent to the Site Plan Approval plans and other materials submitted for development review.
12. Prior to the issuance of a building permit, the Applicant must submit documentation demonstrating how the glass on the curtain wall of spandrel glass will be treated to ensure it is not highly mirrored or reflective or cause undue glare.
13. The screening feature at the northeast end of the site shall be increased in height to match the height of the first floor of the building at 50 Webster Avenue, and

- that materials and final designs be submitted to the Director of PPZ for review and approval prior to the issuance of a building permit.
14. Development of the building must not preclude the development of a future shared use path adjacent to the MBTA rail line and along the northern edge of 50 Webster Avenue. Coordination with appropriate City departments for review and approval must be completed prior to the issuance of a building permit for the site.
  15. Frontage area provided for a widened sidewalk along Webster Avenue and Prospect Street must be designed and paved to properly correspond with any sidewalk improvements approved within the public right-of-way.
  16. The Applicant will work with relevant City departments to ensure plantings appropriately mitigate impacts from moderate winds on the site.
  17. The capacity of the proposed Webster Avenue sewer and drain systems must be evaluated, and the connections for D3 may need to be relocated to the Boynton Yards system. The Applicant shall coordinate with the Engineering Department prior to the approval of a building permit.
  18. A Flood/Storm Event Plan for the building and corresponding systems and infrastructure must be submitted and approved by relevant departments prior to the issuance of a building permit.
  19. An updated Stormwater Management Report will be submitted and must be approved by the Engineering Department prior to the issuance of a building permit.
  20. All Stage 2 documentation required by the Office of Sustainability & Environment's LEED Certifiability Requirements.
  21. The Applicant will provide at least fifty percent (50%) of the required long-term bicycle parking at-grade or via a ramp with a slope of less than 5% or less than 8% with a landing every thirty (30) feet, as demonstrated in the updated Transportation Access Plan.
  22. To mitigate transportation impacts, the east side of Webster Avenue along the frontage of the site shall be improved with a curb-separated bikeway or its substantial equivalent. This bikeway shall be interconnected with existing and proposed bikeways on Prospect Street and shall not preclude a substantially equivalent bikeway on the west side of Webster Avenue. Final design must be approved by relevant City departments prior to the issuance of a building permit.
  23. To mitigate transportation impacts, the east side of Prospect Street along the frontage of the site shall be improved with a curb-separated bikeway or its substantial equivalent. This bikeway shall be interconnected with the bikeway on Webster Avenue and shall not preclude a substantially equivalent bikeway on the west side of Prospect Street. Final design must be approved by relevant City departments prior to the issuance of a building permit.
  24. To mitigate transportation impacts, the east side Prospect Street along the frontage of the site shall be improved with design enhancements the existing busway, including the possibility of curb separation. This busway shall be interconnected with the existing and proposed busways on Prospect Street. Final design must be approved by relevant City departments prior to the issuance of a building permit.



25. To mitigate transportation impacts, the intersection of Webster Avenue and the proposed alley thoroughfare must be improved with, at least, a raised pedestrian and bicycle crossing across the alley. Final intersection design must be approved by relevant City departments prior to the issuance of a building permit.
26. The design of the project shall not preclude the City of Somerville's Union Square plaza and streetscape project design and construction work along Webster Avenue and Prospect Street. Coordination with the appropriate City departments must be completed prior to the issuance of a building permit.
27. The Applicant must share the retail plans with Union Square Main Streets and Director of Economic Development and, if requested by those entities, must meet to review the retail plans for the site.
28. To the extent feasible, bicycle and pedestrian travel access should be maintained on the east side of Prospect Street and Webster Avenue during construction.
29. Prior to the issuance of a building permit, the Applicant must submit plan drawings clearly showing all existing municipal fire alarm and related communications infrastructure to be impacted by proposed construction, including but not limited to underground conduit, above-ground alarm boxes and control cabinets. The Applicant shall submit plan drawings clearly showing temporary and permanent relocation of all impacted fire alarm and communications infrastructure necessitated by private construction. Applicant shall meet with Lights and Line Division to discuss plans and address conflicts to avoid service interruption during construction and occupancy phases.

Prior to Certificate of Occupancy

30. All Stage 3 documentation required by the Office of Sustainability & Environment's LEED Certifiability Requirements.
31. 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*  
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 \_\_\_\_\_