



City of Somerville

PLANNING BOARD

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

DECISION

2022 OCT -6 A 11: 35

PROPERTY ADDRESS: 62 Prospect Street (50 Webster Avenue)
CASE NUMBER: P&Z 21-166
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 civic space at 62 Prospect Street (50 Webster Avenue at the time of the Application submission).

LEGAL NOTICE

US Union Square D3.1 Owner LLC seeks to develop a Central Plaza civic space type 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 civic space 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 – 62 Prospect St: Project Narrative	26	US2, 31 Union Square, Somerville, MA 02143	Submitted May 9, 2022	July 15, 2022
D3.1 – 62 Prospect St: Compliance Report	16	US2, 31 Union Square, Somerville, MA 02143	Submitted May 9, 2022	July 15, 2022
D3.1 – 62 Prospect St: Environmental Analysis	12	US2, 31 Union Square, Somerville, MA 02143	Submitted May 9, 2022	n/a
D3.1 – 50 Webster Ave: Site Plan Sheets	37	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 9, 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 – 62 Prospect St: Application Appendix	100	US2, 31 Union Square, Somerville, MA 02143	Submitted May 9, 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 will help achieve goals laid out in SomerVision 2040 (the City's Comprehensive Master Plan), the Union Square Neighborhood Plan, the Somerville Open Space and Recreation Plan, and the Somerville Urban Forest Management Plan including but not limited to the following:

- To contribute publicly accessible open space towards the goal of developing 105 acres of open space by 2040.

- To contribute to the goal of 15.25 acres new public space in Union Square neighborhood.
- To design and build open spaces for the entire community inclusive of space to play, sit, relax, and congregate.
- To provide open space within walking distance to the current and future Union Square neighborhood as well as an important open space connection to the Boynton Yards neighborhood.
- To plant a diversity of tree species to ensure Somerville's urban forest is sustainable and resilient to climate change and invasive pest infestations.

The proposed civic space lot shall remain privately owned and maintained. In order for the civic space to contribute to the City's open space inventory, the space must be clearly identified and readable as open meaningfully and successfully to the public. The civic space shall be dedicated as public open space in perpetuity, with a public access easement and maintenance agreement between the Applicant and the City. Civic space signage with the management company's contact information, a statement that the space is open to the public, as well as naming the civic space all contribute to ensuring the space is understood by the community as a public amenity.

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 to ensure a variety of functional, well-designed civic and recreation spaces that complement the character of adjacent properties, contribute to a comprehensive open space network, and increase the livability of the city.

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 proposal is also consistent with the intent of the Union Square Overlay District, which is, in part, to permit the development of multiple lots including buildings, civic spaces, and thoroughfares as identified in the master plan.

The proposal is the first of multiple civic spaces planned as part of the D3 parcel.

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

The Board finds the proposal is consistent with the additional review criteria listed below.

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. The CDSP Decision (Case #PB2017-21) was approved with conditions on December 14, 2017. This proposal is consistent with the following conditions from that approval:

- Per Condition #5, the civic space lot is being developed as a Civic Space type identified in the CDSP application materials.
- Per Condition #14, the Applicant is seeking approval for the development of the lot as a civic space via Site Plan Approval (stated in the Decision as Design and Site Plan Review).
- Per Condition #16, the SPA (DSPR) application may be processed simultaneously with SPA (DSPR) applications for the adjacent building and thoroughfare on the D3-1 Block.
- Per Condition #28, the Applicant is responsible for the cost of design and construction of the civic space.
- Per Conditions #29 and 77, the Applicant is responsible for all maintenance of the civic space on onsite amenities in perpetuity, and shall enter into a maintenance agreement with the City for the civic space.
- Per Condition #66, the Applicant has consulted the Engineering Department and received approval for the street address of 62 Prospect Street for the proposed civic space lot.
- Per Conditions #68 and 69, the Application identifies the climate vulnerabilities and documents how the proposed development supports the City's sustainability goals.

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 from those plans that will be accomplished by this proposal include the following:

- To create high quality open space that is inviting to users of Union Square and allows residents, workers and visitors to enjoy the parks, plazas, cafes, and community events.
- To provide useable open space onsite within the D3 Parcel.

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

The Board finds the proposal conforms with other applicable provisions of the Somerville Zoning Ordinance and Union Square Overlay District. The Applicant has met other requirements for the permitting review process and is compliant with the Civic Space Standards and development standards for civic spaces in general and for plazas.

The civic space proposal includes a number of amenities in response to community feedback and will contribute to transforming the Union Square neighborhood into a destination and enhance the neighborhood open space network.

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 62 Prospect Street (50 Webster Avenue), to develop a Central Plaza civic space type 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 to establish the 62 Prospect Street lot is approved and recorded with the Middlesex South Registry of Deeds.
3. This Decision does not authorize the removal of any public shade trees or private trees, which is subject to the Tree Preservation Ordinance (Chapter 12, Article VI) of the Somerville Code of Ordinances.
4. 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.
5. 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 civic space, as approved and conditioned.
6. Development must comply with the approved Coordinated Development Special Permit dated November 7, 2017.

Prior to Building Permit

7. 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.
8. 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.
9. Prior to the construction of the Civic Space, construction documents must be submitted for review and approval by relevant City departments as part of the Civic Space Permit application for construction.
10. Construction documents must be substantially equivalent to the Site Plan Approval plans and other materials submitted for development review.
11. Development of the civic space must not preclude the development of a future shared use path adjacent to the MBTA rail line and along the northeastern edge of 62 Prospect Street. Coordination with appropriate City departments for review and approval must be completed prior to the issuance of a civic space permit.
12. 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.
13. 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 civic space permit.
14. The Applicant will work with relevant City departments to ensure plantings appropriately mitigate impacts from moderate winds on the site.
 15. 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 civic space permit.
 16. An evaluation by an MA licensed Structural Engineer regarding the structural integrity of the retaining wall abutting Prospect Street and Webster Avenue must be submitted to the Engineering Department.
 17. 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 civic space permit.
 18. 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 civic space permit.
 19. 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 civic space permit.
 20. 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 civic space permit.
 21. To the extent feasible, bicycle and pedestrian travel access should be maintained on the west side of Prospect Street and Webster Avenue during construction.

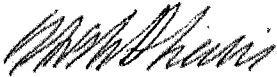
Prior to Certificate of Occupancy

22. The Applicant shall execute a public access easement agreement with the City relevant to all civic space and sidewalk areas.
23. The Applicant shall execute a maintenance and operation agreement with the City; language for the agreement must be approved by relevant departments.
24. The property owner shall provide a right of first refusal to the Somerville Memorialization Committee to name the central plaza.

25. The property owner shall name the central plaza as specified by the Somerville Memorialization Committee, unless the Somerville Memorialization Committee, in writing, designates another entity to name the central plaza.
26. The central plaza must be provided with signage conforming to the standards in the Division of Public Space & Urban Forestry Park and Playground Signage Standards and Specifications including, at minimum, the name of the plaza, the management company's contact information, and a statement that the space is open to the public, along with the rules and hours of operation.
27. 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 _____