



City of Somerville

PLANNING BOARD

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

2022 OCT -6 A 11: 35

DECISION

PROPERTY ADDRESS: 50 Webster Avenue
CASE NUMBER: P&Z 22-073
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 thoroughfare at 50 Webster Avenue.

LEGAL NOTICE

US Union Square D3.1 Owner LLC seeks to develop a thoroughfare 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: Site Plan Set for Thoroughfare	14	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 12, 2022	July 15, 2022
50 Webster Ave: Transportation Access Plan	23	Howard Stein Hudson, 11 Beacon St, Ste 1010, Boston, MA 02108	May 2022	September, 2022
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 the goals laid out in SomerVision 2040, the City's Comprehensive Master Plan. Specific goals and objectives that will be accomplished 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 commercial development.

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 ensure the development of a well-connected thoroughfare network;

- To require the platting of land so that lots have frontage upon and buildings are properly oriented toward the public realm of an abutting thoroughfare or civic space; and
- To develop a comprehensive network of thoroughfares that accommodate multiple modes of transportation.

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, and 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 generally consistent with the additional review criteria cited below.

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

The Board finds the proposal is generally consistent with the Coordinated Development Special Permit. The CDSP Decision (Case #PB2017-21) was approved with conditions on December 14, 2017.

- 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 accomplished 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 applicable provisions of the Somerville Zoning Ordinance and Union Square Overlay District. Specifically, the Applicant has

met the requirements for the permitting review process and is compliant with the Thoroughfare Standards and development standards for thoroughfares and alleys.

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 thoroughfare 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 is approved to establish the private thoroughfare (alley) lot and recorded with the Middlesex South Registry of Deeds.
3. Development must comply with the approved Coordinated Development Special Permit dated November 7, 2017, as applicable.

Prior to Building Permit

4. 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.
5. 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.
6. Prior to the construction of the alley thoroughfare, construction documents must be submitted for review and approval by relevant City departments as part of the Thoroughfare Permit (Streetscape Construction Permit) application for construction.
7. Construction documents must be substantially equivalent to the Site Plan Approval plans and other materials submitted for development review.
8. 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 thoroughfare or streetscape construction space permit.
9. 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 thoroughfare or streetscape construction permit.
10. 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 thoroughfare or streetscape construction permit.

11. 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 thoroughfare or streetscape construction permit.
12. 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 thoroughfare or streetscape construction permit.
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 thoroughfare or streetscape construction permit.
14. To the extent feasible, bicycle and pedestrian travel access should be maintained on the east side of Prospect Street and Webster Avenue during construction.

Prior to Certificate of Occupancy

15. Following successful approval of the required thoroughfare or streetscape construction permits, the Applicant will proceed to execute a public access easement agreement, and a maintenance and operation agreement consistent with the Development Covenant by and between the City of Somerville and Union Square Station Associates LLC dated June 8, 2017, as amended.
16. 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 _____