



City of Somerville

PLANNING BOARD

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

DECISION

PROPERTY ADDRESS: 2, 8, and 29 Harding Street (99 South Street/Building 3)
CASE NUMBER: P&Z 22-007
OWNER: Boynton Yards LandCo, LLC
OWNER ADDRESS: 10 Post Office Square, Boston, MA 02109
DECISION: Approved with Conditions (Site Plan Approval)
DATE OF VOTE: November 10, 2022
DATE OF ISSUANCE: November 17, 2022

This decision summarizes the findings made by the Planning Board (the Board) regarding the Site Plan Approval application submitted for 2, 8, & 20 Harding Street (99 South Street).

LEGAL NOTICE

Boynton Yards LandCo, LLC proposes to develop a 12-story LEED Platinum lab building in the High Rise (HR) zoning district, which requires Site Plan Approval.

RECORD OF PROCEEDINGS

On October 27, 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, Debbie Howitt Easton and Jahan Habib. Vice Chair Amelia recused herself from review of the Application. The Applicant presented their proposed lab building to the Board. After the presentation by the Applicant, Staff made a comment that the ground floor design presented was modified from what was submitted in their Application and that it appeared the changes were in response to a Staff recommended condition for the location of ground floor bike parking. The Applicant confirmed that was the case. Chair Capuano asked the Applicant what has changed from the ground floor design compared to what was presented at the neighborhood meetings. The Applicant responded that the changes included retail spaces that conformed to zoning requirements and the tentative location of ground floor bicycle parking. After that discussion, the Chair opened public testimony. No public comments were made, but Ward 2 City Councilor JT Scott noted that he hosted two neighborhood meetings for this project and was pleased to see that much of the feedback from those meetings was incorporated into the design of the building.

After the public testimony portion of the hearing was closed, the Board discussed the Application with the Applicant and City Staff. The Board asked for further clarifications on ACE requirements, location of long-term bike parking on the ground floor, impacts from modified bus routes in the neighborhood, lab safety, bicycle and pedestrian circulation, and if impacts from related, currently ongoing construction on another

project in the neighborhood has been improved. After discussion, the Board asked the Applicant to provide updates on unresolved items and continued the project.

On November 10, 2022, the Board resumed the public hearing. Present and sitting at the public hearing were Board Members Chair Michael Capuano, Clerk Erin Geno, Debbie Howitt Easton and Jahan Habib. Vice Chair Amelia recused herself from review of the Application. After a brief presentation by the Applicant, the Board discussed the long-term bicycle parking for the building and the modified Staff-recommended condition. The Applicant told the Board that they are comfortable with having the final details for the long-term bike parking to be approved by Staff prior to applying for a Building Permit. The Board also noted that they were comfortable with final details be worked out between the Applicant and City Staff. Following the discussion, Chair Capuano moved to approve 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 |
|--|-------|---|---------------|---|
| Project Narrative for 99 South Street | 22 | VHB, 99 High Street, 10 th Floor, Boston, MA 02110 | July 20, 2022 | n/a |
| Plans and Figures for 99 South Street | 41 | VHB, 99 High Street, 10 th Floor, Boston, MA 02110 | July 20, 2022 | Ground Floor Plan revised October 17, 2022 |
| Green Score Documents & Plans for 99 South Street | 12 | Copley Wolff Design Group, 110 Canal Street, Boston, MA 02114 | July 13, 2022 | August 1, 2022 August 16, 2022 October 5, 2022 |
| Meeting Reports for 99 South Street | 18 | VHB, 99 High Street, 10 th Floor, Boston, MA 02110 | July 20, 2022 | September 9, 2022 |
| Transportation Access Plan for 99 South Street | 15 | VHD, 101 Walnut Street, PO Box 915, Watertown, MA 02471 | July 15, 2022 | September 14, 2022 September 26, 2022 |
| Mobility Management Plan for 99 South Street | 48 | VHD, 101 Walnut Street, PO Box 915, Watertown, MA 02471 | April 2022 | Approved and signed by Director of Mobility on July 8, 2022 |
| Sustainability Documents for 99 South Street | 57 | Thornton Tomasetti, 14 York Street, Suite 201, Portland, ME 04101 | July 20, 2022 | n/a |
| Environmental Impact Documents for 99 South Street | 112 | RWDI, 600 Southgate Drive, Guelph, Ontario, Canada N1G 4P6 | July 20, 2022 | n/a |
| Existing Tree Removal Plan | 10 | Copley Wolff Design Group, 110 Canal Street, Boston, MA 02114 | June 28, 2022 | n/a |

SITE PLAN APPROVAL FINDINGS

In accordance with the Somerville Zoning Ordinance, the Board 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 Board finds that this proposal will help to achieve the following from SomerVision, the comprehensive Master Plan of the City of Somerville:

- 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.

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

The Board finds that this proposal is consistent with the intent of the HR zoning district which is, in part "[t]o accommodate the development of areas appropriate for an intense mix of multi-story multi-unit, mixed-use, and commercial buildings; neighborhood-, community-, and regional-serving uses; and a wide variety of employment opportunities.

The Board also finds that this proposal is consistent with the intent of the Boynton Yards overlay district which, is in part [t]o permit the development of multiple lots including buildings, civic spaces, and thoroughfares as identified in the Master Plan.

3. Consistency with the approved Urban Design Framework for the sub-area where the subject property is located.

The Board finds this proposal is consistent with the approved Boynton Yards Urban Design Framework.

4. Conformance with any approved Master Plan Special Permit and any other Special Permits applicable to the subject lot.

The Board finds this proposal is in conformance with the approved and amended Boynton Yards Master Plan Special Permit (P&Z 21-097).

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

The Board finds, as conditioned, the proposal does not produce any impacts that require additional mitigation.

DECISION

Following public testimony, review of the submitted plans, and discussion of the statutorily required considerations, Chair Capuano moved to **APPROVE** the Site Plan Approval to develop a four (4)-story LEED Platinum general building. Ms. 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 99 South 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. The Applicant must apply for a Streetscape Construction permit for Thoroughfare 1 (AQW) prior to applying for a Building Permit.
5. Utility meters are not permitted on any facade or within the frontage area of the lot.
6. Development must comply with the approved and amended Master Plan Special Permit dated January 20, 2022, as applicable.
7. The underground structured parking must be operated as a Commercial Parking facility principal use.
8. The underground structured parking must have a parking access and revenue control system to manage vehicular access and collect parking revenues from patrons.
9. An annual report, including documentation of any changes to the layout plan or operations plan of the parking facility, must be submitted to the Mobility Division to validate continued compliance with the Somerville Zoning Ordinance, this Decision, and the Director of Mobility's standards for monitoring and annual reporting.
10. A sign must be provided near the vehicular entrance to the underground parking structured parking that identifies, at minimum, the number of spaces available in real time.
11. The property owner and applicable future tenants shall comply with the Mobility Management Plan (MMP), as approved and conditioned by the Director of Mobility on June 8, 2022.
12. Access to the loading and unloading area is only permitted from Earle Street via South Street. Access is prohibited from Thoroughfare 1/Archibald Query Way.

Prior to Building Permit

13. 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.
14. 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.
15. All Stage 2 documentation required by the LEED Certifiability Requirements must be submitted to the Office of Sustainability & Environment and must include the following:
 - a. A feasibility assessment for providing at least twenty five percent (25%) of the motor vehicle parking spaces with electric vehicle charging equipment over the next two (2) years must be submitted to the Office of Sustainability & Environment.

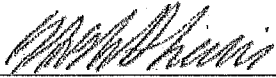
16. Construction documents must be substantially equivalent to the approved plans and other materials submitted for development review.
17. Material specifications from suppliers must be submitted to confirm fenestration glazing is compliant with the VLT and VLR ratings required by the Somerville Zoning Ordinance.
18. An 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.
19. At least thirty percent (30%) of the required long-term bicycle parking spaces must be provided at-grade or via a ramp with a slope of less than 5% or less than 8% with a landing every thirty (30) feet. Final design must be reviewed and approved by relevant City Departments.
20. An updated Transportation Access Plan demonstrating compliance with these conditions must be submitted to the Mobility Division for review and approval prior to applying for a Building Permit.

Prior to Certificate of Occupancy

21. All Stage 3 documentation required by the Office of Sustainability & Environment's LEED Certifiability Requirements must be submitted to the Office of Sustainability & Environment.
22. All Phase 2 conditions of the amended Master Plan Special Permit dated January 20, 2022, must be completed.
23. To mitigate transportation impacts, the intersection of South St. & Harding St. must be improved to, at minimum, to interconnect the required bicycle facilities of each segment of South Street. Final intersection design must be approved by relevant City departments.
24. To mitigate transportation impacts, the intersection of Ward St. & Harding St. must be improved in a manner that permits the later extension of Harding Street northward. Final intersection design must be approved by relevant City departments.
25. A pedestrian warning system must be provided for the vehicular entrance to the underground structured parking and loading docks to address potential conflicts between pedestrians, cyclists, and motor vehicles. Final design must be approved by the Director of Mobility and the City Engineer.
26. 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.
27. A written narrative or descriptive checklist identifying the completion or compliance with permit conditions must be 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



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 _____