



City of Somerville

## PLANNING BOARD

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

2022 NOV -3 P 2:59

### DECISION

**PROPERTY ADDRESS:** 153 South Street  
**CASE NUMBER:** P&Z 22-108  
**OWNER:** Boynton Yards LandCo, LLC  
**OWNER ADDRESS:** 10 Post Office Square, Boston, MA 02109  
**DECISION:** Approved with Conditions (Subdivision Plan Approval)  
**DATE OF VOTE:** October 27, 2022  
**DECISION ISSUED:** November 3, 2022

CITY CLERK'S OFFICE  
SOMERVILLE, MA

This decision summarizes the findings made by the Planning Board (the "Board") regarding the Subdivision Plan Approval application submitted for 153 South Street.

### LEGAL NOTICE

Boynton Yards LandCo LLC seeks approval of a plat plan replating lots including 153 South St, 0 Windsor Pl, 33 Earle St, and 2, 8, and 29 Harding St, and establishing multiple new lots and rights-of-ways for Thoroughfare 1 and Harding Street, which requires Subdivision 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. The Applicant team provided a presentation on their proposed subdivision plan of land to the Board that will enable the creation of multiple new lots in the Boynton Yards Master Plan area, consistent with approved and amended Boynton Yards Master Plan (P&Z 21-197). The Applicant discussed that there are two (2) subdivision plans of land that the Board needs to approve. One plan for the recorded land, which includes the lots for Buildings 5, 6A and 6B, Civic Space 2 and 3, and portions of land for Thoroughfare 1 right-of-way. The other plan is for the registered land, which includes the creation of the lot for Building 3, a sliver of land for Building 6A lot, and portions of right-of-way for Thoroughfare 1 and Harding Street. The second subdivision plan has recently completed a Land Court process to deregister the land and final completion rests on Board approval.

After the presentation by the Applicant, the Chair asked Staff their thoughts on the proposed plans and if they are consistent with the Master Plan. Staff responded by saying that both plans, when complete, will be consistent with the approved and amended Boynton Yards Master Plan. After discussion with Staff, the Chair opened public testimony. There were no comments by members of the public, but Ward 2 Councilor JT Scott made a comment saying that it appears the subdivision plans comply

with the intent of the Master Plan. After closing the public testimony section of the hearing, the Chair moved to approve the Subdivision Plan Approval.

## PLANS & DOCUMENTS

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

Document	Pages	Prepared By	Date	Revision Date
Subdivision Narrative for 153 South Street	1	Boynton Yards LandCo, LLC c/o Leggat McCall Properties, 10 Post Office Square, Boston, MA 02109	August 8, 2022	n/a
Subdivision Plan of Land for 153 South Street	1	Feldman Geospatial, 153 Hampden Street, Boston, MA 02119	July 15, 2022	October 11, 2022
Subdivision Plan of Land for 2, 8 & 29 Harding Street <sup>1</sup>	1	Feldman Geospatial, 153 Hampden Street, Boston, MA 02119	June 14, 2022	n/a
Boynton Yards Draft Lotting Plan	1	Feldman Geospatial, 153 Hampden Street, Boston, MA 02119	September 2, 2022	n/a

## SUBDIVISION PLAN APPROVAL FINDINGS

In accordance with the Somerville Zoning Ordinance, the Board may approve or deny a special permit 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 the proposed subdivision is consistent with SomerVision, the comprehensive Master Plan, and the Union Square Neighborhood Plan (USNP). The USNP identifies Boynton Yards as a place for mixed-use development with an emphasis on commercial space. The proposal meets the standards for platting land and the submittal of plat plans for approval through SPA.

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

The Board finds that the proposed subdivision meets the intent of the HR district because it upholds the "mix of multi-story, multi-unit, mixed-use, and commercial buildings; neighborhood-, community-, and region-serving uses; and a wide variety of employment opportunities."

## DECISION

Following public testimony, review of the submitted plans, and discussion of the statutorily required considerations, Chair Capuano moved to approve the **Subdivision**

<sup>1</sup> There was an error on the submitted Subdivision Plan of Land for the Registered Land. The signature line should not include reference to the Director Planning, Preservation & Zoning and only reference approval by the Planning Board. The Applicant has informed the Planning Board that the mylar for final approval and signature will include the correct signature line.

**Plan Approval.** Clerk Geno seconded. The Board voted **4-0** to approve the permit, subject to the following conditions:

Perpetual

1. This Decision and final subdivision plat must be recorded with the Middlesex South Registry of Deeds.
2. Final subdivision plat must be substantially equivalent to the approved preliminary plat plan.
3. Prior to the issuance of any building permit or other permit authorizing construction on any of the new lots created by this subdivision, one (1) digital and one (1) physical copy of the recorded Decision and final subdivision plat stamped by the Middlesex South Registry of Deeds must be submitted to the Planning, Preservation, & Zoning Division for the public record.

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 \_\_\_\_\_