



City of Somerville

## PLANNING BOARD

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

2021 MAY 11 A 9:49

CITY CLERK'S OFFICE

SOMERVILLE, MA

### DECISION

CITY CLERK'S OFFICE  
SOMERVILLE, MA

**PROPERTY ADDRESS:** 3-5 Hawkins Street  
**CASE NUMBER:** CZC20-000060  
**OWNER:** Hawkins St Union Square LLC  
**OWNER ADDRESS:** 7 Morrison Rd West, Wakefield, MA 01880  
**DECISION:** Approved (SPA)  
Approved (SP)  
**DECISION DATE:** May 11, 2021

This decision summarizes the findings made by the Planning Board regarding the development review application submitted for 3-5 Hawkins Street.

### LEGAL NOTICE

Hawkins St Union Square LLC proposes to construct a 5-story net zero ready apartment building and establish a Household Living principal use for fifty-nine (59) dwelling units in the MR5 zoning district. The proposal requires Site Plan Approval and a Special Permit.

### RECORD OF PROCEEDINGS

On February 17, 2021 the Planning Board held a public hearing advertised in accordance with M.G.L. 40A and the Somerville Zoning Ordinance. Present and sitting were Planning Board members Michael Capuano, Amelia Aboff, Sam Dinning, Jahan Habib, and Rob Buchanan. Hawkins St Union Square LLC provided an overview of the proposed 5-story net zero ready apartment building. The Board received public testimony. Mr. Buchanan identified that the Lake Street facade was noncompliant with the appearance of two buildings requirement of the MR5 zoning district. Ms. Aboff raised concerns that the last neighborhood meeting was over one-year in the past, regardless of any procedural leniency provided by the State Legislature during the COVID-19 pandemic. Chair Capuano raised concerns about the surface relief and texture of the proposed facade materials. The Board voted unanimously (5-0) to require the Applicant to appear before the Urban Design Commission for final design recommendations and to conduct another neighborhood meeting with the general public. The Board continued the public hearing to a future date.

On April 29, 2021 the Board resumed the public hearing. Present and sitting were Planning Board members Michael Capuano, Amelia Aboff, Jahan Habib, and Rob Buchanan. Hawkins St Union Square LLC presented revisions to the previously submitted plans and identified changes made to the design based on public feedback received from the neighborhood meeting and design recommendations from the Urban Design Commission. The Board received public testimony. Mr. Buchanan addressed the number of building materials proposed and Ms. Aboff identified the need for a

harmonious façade composition. Ms. Aboff also addressed plant species selection in response to public feedback.

## **SITE PLAN APPROVAL AND SPECIAL PERMIT FINDINGS**

### *1. The comprehensive plan and existing policy plans and standards established by the City.*

The Board finds that the proposal will help to achieve the following from SomerVision, the comprehensive Master Plan of the City of Somerville:

- Preserve and expand [a] mix of safe, affordable and environmentally sound rental [] units for households of all sizes and types [ ].
  - Encourage the development [] of rental housing throughout Somerville.
- Promote mixed-use, mixed-income transit-oriented development [ ].
  - Facilitate the development of additional housing in close proximity to transit stations.

The Board finds that the proposal will also help to achieve the following from the Union Square Neighborhood Plan:

- To develop 2,350 new dwelling units within the Union Square plan area (70% rental/30% ownership).

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

The Board finds that the proposal is consistent with the intent of the MR5 zoning district which is, in part, "To create, maintain, and enhance areas appropriate for moderate scale, multi-use, and mixed-use buildings and neighborhood serving commercial uses."

## **SITE PLAN APPROVAL FINDINGS**

### *3. Mitigation proposed to alleviate any impacts attributable to the proposed development.*

The Board finds that proposal includes a number of building and site design features in direct response to community feedback received at neighborhood meetings and that Hawkins St Union Square LLC proposes to provide pedestrian safety improvements to both Hawkins and Lake Street, subject to approval by relevant City departments.

## **SPECIAL PERMIT FINDINGS**

### *3. The suitability of the site for a household living principal use compared to other potential principal uses.*

The Board finds that the development site is highly suitable for residential uses due to its corner lot location at Hawkins & Lake streets, which are primarily residential streets.

Additionally, the site's characteristics make it less desirable for the development of a new commercial building.

4. *The ability of the development proposal to meet the demand for dwelling units of various types, sizes, and bedroom counts.*

The Board finds that the development proposal includes twenty-five (25) studios, twenty-five (25) 1-bedroom, seven (7) 2-bedroom, and two (2) 3-bedroom dwelling units. This diversity of dwelling unit size is consistent with recent housing studies that identified 92% of demand for new market-rate units was from singles, childless couples, empty nesters, and retirees while not neglecting the creation of units for family-oriented households.

5. *The increase or decrease in the number or price of any previously existing ADUs.*

The Board finds that the development site includes an existing 1-story commercial building and a 2.5 story detached house, neither of which included any affordable dwelling units. The eleven (11) affordable dwelling units provided by the proposed development will be a net increase of eleven (11) ADUs over existing conditions.

6. *The number of motor vehicle parking spaces proposed for development within a Transit Area.*

The Board finds that the proposed development includes fifteen (15) accessory motor vehicle parking spaces, which is a ratio of 0.2542 parking spaces per dwelling unit.

## 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**. Vice Chair Aboff seconded. The Board voted **4-0** to approve the permit, subject to the following conditions:

### Perpetual

- This Decision must be recorded with the Middlesex South Registry of Deeds.
- Construction documents must be substantially equivalent to the approved plans and other materials submitted for development review.
- The property owner and applicable future tenants shall comply with the Mobility Management Plan dated October 21, 2020, as approved and conditioned by the Director of Mobility.
- Utility meters are not permitted on any facade or within the frontage area of the lot.
- At least three (3) accessory vehicular parking spaces must be offered annually to all ADU households as a right of first refusal until each parking space is either rented or refused.

- Dwelling units must be advertised as ineligible for on-street Residential Parking Permits, subject to the regulations of the Somerville Traffic Commission.
- All buyers, grantees, lessees, renters, and tenants must be notified in writing prior to sale or lease of any dwelling unit that the residents are ineligible for on-street Residential Parking Permits, subject to the regulations of the Somerville Traffic Commission.

#### Prior to Building Permit

- A copy of the recorded Decision stamped by the Middlesex South Registry of Deeds must be submitted to the Planning & Zoning Division for the public record.
- Physical copies of all development review submittal materials, as permitted by the Planning Board, must be submitted to the Planning & Zoning Division for the public record.
- Formal acknowledgement that residents are ineligible for on-street Residential Parking Permits, subject to the regulations of the Somerville Traffic Commission, must be recorded with the Middlesex South Registry of Deeds.
- The Applicant shall submit a material palette to the Urban Design Commission for review and comment.
- The Applicant shall review the approved planting plan, plant schedule, and plant with the Director or Public Space & Urban Forestry concerning final plant species selection.
- All Step 2 documentation required by the Net Zero Ready Certifiability Requirements must be submitted to the Office of Sustainability & Environment.
- All Step 2 documentation required by the LEED Certifiability Requirements must be submitted to the Office of Sustainability & Environment.
- 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.
- An updated 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.

#### Prior to Certificate of Occupancy

- All Step 3 documentation required by the Net Zero Ready Certifiability Requirements must be submitted to the Office of Sustainability & Environment.
- All Step 3 documentation required by the LEED Certifiability Requirements must be submitted to the Office of Sustainability & Environment.
- Frontage area provided for a widened sidewalk along Lake Street and Hawkins Street must be paved to match the sidewalk within the public right-of-way and a pedestrian access easement must be provided in perpetuity by a covenant or other deed restriction.

- To mitigate transportation impacts, Lake Street and Hawkins Street must be improved with, at least, new street trees and curb extensions or a raised crosswalk, or both, to improve pedestrian safety. Final design must be approved by relevant City departments.

Following public testimony, review of the submitted plans, and discussion of the statutorily required considerations, Chair Capuano moved to approve the **SPECIAL PERMIT** to establish a Household Living principal use. Vice Chair Aboff seconded. The Board voted **4-0** to approve the permit, subject to the following conditions:

Perpetual

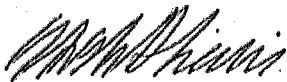
- All 3-bedroom affordable dwelling units must comply with the Director of Housing's quality standards for 3-bedroom ADU's.

Prior to Certificate of Occupancy

- An affordable housing implementation plan (AHIP) must be submitted to the Director of Housing prior to applying for a Certificate of Occupancy.
- A deed restriction limiting the sale or rental of all affordable dwelling units to eligible households in perpetuity must be executed and recorded with the Middlesex South Registry of Deeds.

Attest, by the Planning Board:

Michael Capuano, *Chair*  
Amelia Aboff, *Vice Chair*  
Jahan Habib  
Rob Buchannan, *Alternate*



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Sarah Lewis,  
Director of Planning & Zoning

**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 \_\_\_\_\_