



City of Somerville

# PLANNING BOARD

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

**TO:** Planning Board  
**FROM:** OSPCD Staff  
**SUBJECT:** 270 Elm Street, P&Z 21-042  
**POSTED:** January 23, 2023

**RECOMMENDATION:** Approve with Conditions

Staff memos are used to communicate background information, analysis, responses to public comments, review of statutory requirements and other information from Planning, Preservation, & Zoning Staff to the Review Board members.

This memo summarizes the development review application submitted for 270 Elm Street, identifies any additional discretionary or administrative development review that is required by the Somerville Zoning Ordinance, and provides related analysis or feedback as necessary. The application was deemed complete on November 9, 2022 and is scheduled for a public hearing on February 2, 2023. Any Staff recommended findings, conditions, and decisions in this memo are based on the information available to date prior to any public comment at the scheduled public hearing.

## LEGAL NOTICE

AP Davis Square Plaza, LLC proposes to modify an existing Through Block Plaza in the Commercial Core 4 (CC4) district, which requires Site Plan Approval.

## SUMMARY OF PROPOSAL

AP Davis Square Plaza, LLC is proposing to construct a Through Block Plaza. The proposed civic space will produce 7,480 square feet of open space, including 5 large trees, 748 square feet landscaped area, 5,240 square feet permeable area, and 100 linear feet of seating, and an accessible ramp and stairs at Herbert Street. Additionally, the applicant will activate the plaza with adjacent ground floor retail including café seating, and intends to program and be a partner to support City cultural events on the plaza.

## BACKGROUND

256-260 Elm Street is located on a Pedestrian Street and in the 0.25mi Transit Area in the Commercial Core 4 (CC4) zoning district in the Davis Square neighborhood represented by Ward 6 Councilor Lance Davis. Establishing a Through Block Plaza in the Commercial Core 4 (CC4) district requires Site Plan Approval. Site Plan Approval is the administrative review and approval of conforming development to address any potential impacts as necessary. The Planning Board is the decision-making authority for all (non-variance) discretionary or administrative permits required for the Commercial Core 4 (CC4) zoning district.

## **NEIGHBORHOOD MEETINGS**

The first neighborhood meeting was hosted by Ward 6 Councilor Lance Davis and the applicant on March 17, 2021, via a digital meeting platform. A second neighborhood meeting was held on November 9, 2021, and a third on June 21, 2022.

## **DESIGN REVIEW**

The proposal was reviewed by Somerville Urban Design Commission via a digital meeting platform on March 1, 2022 and April 12, 2022. The Commission provided its official recommendation on May 26, 2022.

## **ANALYSIS**

The 270 Elm Street site is currently a private plaza that underserves the Davis Square community needs. Over time the plaza has become gated, stripped away of truly public places for people to sit, lounge, enjoy the benefits from trees, and the stairs at Herbert Street are a barrier for residents who use mobility devices to navigate the city. The plaza is in need of a climate forward and equity focused renovation to ensure the privately owned public space welcomes residents and the community of all types and secures public open space in perpetuity for Davis Square.

The subterranean earth below the proposed Through Block Plaza will be the location for infiltration and other stormwater management for the 256-260 Elm Street development. Trees and other proposed amenities have been strategically located to maximize tree growth including solar aspect and access to planting soils.

The proposed design has been developed in concert with local and City stakeholders and has received support from the neighborhood, the Urban Design Commission and the Public Space and Urban Forestry Division.

## **CONSIDERATIONS & FINDINGS**

The Planning Board is required by the Somerville Zoning Ordinance to deliberate each of the following considerations at the public hearing. The Board must discuss and draw conclusions for each consideration, but may make additional findings beyond this minimum statutory requirement.

### **Site Plan Approval Considerations**

1. The comprehensive plan and existing policy plans and standards established by the City.
2. The intent of the zoning district where the property is located.

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

Information relative to the required considerations is provided below:

#### Site Plan Approval

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

Staff believes that this project supports the goals laid out in SomerVision 2040, the City's Comprehensive Master Plan, including the following:

- To contribute publicly accessible open space towards the goal of developing 105 acres of open space by 2040.
- To create and program a network of vibrant public open spaces and shared use paths throughout the city that are multi-purpose, promote healthy living, and reflect changing recreational interests and cultural opportunities.
- To create new civic spaces within walking distance of resident's homes with a safe access route.
- 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 ownership will continue to remain privately owned and privately maintained with a public access easement and an operations and maintenance agreement. In order for the civic space to contribute to the City's open space inventory, the space must be dedicated as public space in perpetuity, be clearly identified and readable as open meaningfully and successfully to the public. 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 same is understood by the community as a public amenity.

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

The intent of the CC4 zoning district is, in part: "To create, maintain, and enhance areas appropriate for moderately-scaled single- and multi-use commercial buildings; neighborhood-, community-, and regional- serving uses; and a wide variety of employment opportunities."

The proposal will provide a renovation to an existing privately-owned public space in conjunction with the 256-260 Elm Street development.

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

Public Space and Urban Forestry Staff believe this civic space proposal includes a number of amenities in response to community feedback and will contribute to renovating the public spaces of the Davis Square neighborhood into a destination and

anchor for new infill development of Somerville. No other mitigation is proposed due to a perceived lack of remaining negative impacts directly attributable to the proposed civic space.

## PERMIT CONDITIONS

Should the Board approve the required Site Plan Approval for the Through Block Plaza Civic Space, Public Space and Urban Forestry Staff and Planning, Preservation & Zoning Staff recommends the following conditions:

### Permit Validity

- This Decision must be recorded with the Middlesex South Registry of Deeds.
- This Decision is not valid unless a land plat is approved to establish the 270 Elm Street lot and recorded with the Middlesex South Registry of Deeds.
- 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.

### 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.
- 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.

### Construction Documents

- Construction documents submitted as part of the Civic Space Permit application must be substantially equivalent to the approved plans and other materials submitted for development review.

### Legal Agreements

- The Through Block Plaza must be dedicated to the public by a covenant or other deed restriction.

### Maintenance

- The property owner is responsible for the construction and all regular and long-term operations, maintenance, replacement, insurance, and other applicable costs associated with the Through Block Plaza including, but not limited to, utilities and utility service, stormwater management infrastructure, landscaping, paving, furnishings, and other associated features.

### Public Space

- The property owner shall provide a right of first refusal to the Somerville Memorialization Committee to name the Through Block Plaza.
- The property owner shall name the Through Block Plaza as specified by the Somerville Memorialization Committee.

- The Through Block Plaza must be provided with signage conforming to the standards in the Division of Public Space & Urban Forestry Signage Standards and Specifications Handbook and including, at minimum, the name of the park, 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.

#### Conditions

- All Civic Space Through Block Plaza construction must be completed prior to applying for a Certificate of Occupancy for 256-260 Elm Street.
- 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.