



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

27 OCTOBER 2022 MEETING MINUTES

This meeting was conducted via remote participation on GoToWebinar.

NAME	TITLE	STATUS	ARRIVED
Michael Capuano	Chair	<i>Present</i>	
Amelia Aboff	Vice Chair	<i>Present</i>	
Erin Geno	Clerk	<i>Present</i>	
Jahan Habib	Member	<i>Present</i>	
Debbie Howitt Easton	Alternate	<i>Present</i>	

City staff present: Emily Hutchings (Planning, Preservation, & Zoning), Dan Bartman (Planning, Preservation, & Zoning), Andrew Graminski (Planning, Preservation, & Zoning)

The meeting was called to order at 6:01pm and adjourned at 8:54pm.

PUBLIC HEARING: 59 Bow Street (P&Z 21-017)

Following a motion by Chair Capuano, seconded by Vice Chair Aboff, the Board voted unanimously (5-0) to approve the applicant's request to continue the case to 10 November 2022.

RESULT:

CONTINUED

Chair Capuano stated that he was absent from the 6 October 2022 Joint Hearing of the Planning Board and Land Use Committee but has since reviewed the recording and submitted an affidavit. Therefore, he is able to participate and vote this evening on the zoning amendments.

Chair Capuano stated that each of the zoning amendments have already been opened and written public testimony was left open until noon on 21 October 2022; they did not receive any written comments. Chair Capuano closed public testimony.

Chair Capuano called on Deputy Director of Planning, Preservation, & Zoning (PPZ) Dan Bartman to confirm that Staff recommended the approval of the zoning amendments proposed by Mayor Ballantyne. Chair Capuano reviewed PPZ Staff's role in reviewing and providing comments on zoning amendment recommendations.

Chair Capuano stated that the Board requested the opinion of the city's Law Department regarding the request by Boynton Yards LandCo LLC requesting the approval of a Land Conveyance petition for portions of Earle Street in the Boynton Yards neighborhood. The Law Department was in support of the Land Conveyance and Staff confirmed that they will make the Law Department's memo available on the city's website.

Chair Capuano reviewed the request by Anthony Pasquale and asked Deputy Director Bartman for an overview of the case and the research done by Staff related to the case. Deputy Director Bartman stated that this request led Staff to complete significant research and proposed zoning amendments as requested by Mayor Ballantyne that addresses this particular amendment and resolves the issue across the city. Therefore, the amendment requested by Mr. Pasquale is now unnecessary.

ZONING AMENDMENT: Anthony Pasquale requesting the adoption of an amendment to the Zoning Ordinance Map to change the zoning district of 34 Allen Street from Neighborhood Residential (NR) to Small Business (SB) Overlay.

The Board asked how it would work procedurally if Mayor Ballantyne's amendment, that would also affect this parcel, is recommended and approved.

Considering that, Chair Capuano agreed to address the zoning amendments requested by Mayor Ballantyne first.

ZONING AMENDMENT: Mayor Ballantyne requesting ordainment of an amendment to the Somerville Zoning Ordinance Article 3, Residence Districts and Article 9, Use Provisions, to permit the adaptive reuse of commercial building types in the NR and UR zoning districts.

Chair Capuano asked if the Board had any questions; there were no questions.

Following a motion by Chair Capuano, seconded by Vice Chair Aboff, the Board voted unanimously (5-0) to recommend approval of this zoning amendment (Mayor Ballantyne requesting ordainment of an amendment to the Somerville Zoning Ordinance Article 3, Residence Districts and Article 9, Use Provisions, to permit the adaptive reuse of commercial building types in the NR and UR zoning districts.) to the Land Use Committee.

ZONING AMENDMENT: Mayor Ballantyne requesting ordainment of an amendment to the Somerville Zoning Ordinance Articles 4 (Mid Rise Districts), 5 (High Rise Districts), 6 (Commercial Districts), 8 (Overlay Districts), and 9 (Use Provisions) to permit additional uses for any ground story commercial space fronting a Pedestrian Street.

Chair Capuano asked if the Board had any questions; there were no questions.

Following a motion by Chair Capuano, seconded by Vice Chair Aboff, the Board voted unanimously (5-0) to recommend approval of this zoning amendment (Mayor Ballantyne requesting ordainment of an amendment to the Somerville Zoning Ordinance Articles 4 (Mid Rise Districts), 5 (High Rise Districts), 6 (Commercial Districts), 8 (Overlay Districts), and 9 (Use Provisions) to permit additional uses for any ground story commercial space fronting a Pedestrian Street.) to the Land Use Committee.

ZONING AMENDMENT: Anthony Pasquale requesting the adoption of an amendment to the Zoning Ordinance Map to change the zoning district of 34 Allen Street from Neighborhood Residential (NR) to Small Business (SB) Overlay.

Chair Capuano noted that the previous positive recommendation to the Land Use Committee regarding SZO Article 3 and Article 9 negates the need for this amendment. However, Chair Capuano commended the property owner for pursuing the appropriate path and bringing the issue to the Planning Board.

The Board discussed if they could recommend a conditional approval of this amendment, should Mayor Ballantyne's proposed amendments not be approved. They spoke about giving a negative recommendation noting their rationale or if it would be better to give no recommendation with their reasoning. The Board agreed that they want to ensure that future City Council activities do not negatively impact the property.

Following a motion by Vice Chair Aboff, seconded by Clerk Geno, the Board voted unanimously (5-0) to make no recommendation on this zoning amendment (Anthony Pasquale requesting the adoption of an amendment to the Zoning Ordinance Map to change the zoning district of 34 Allen Street from Neighborhood Residential (NR) to Small Business (SB) Overlay.) to the Land Use Committee, with a conditional recommendation of this amendment should Mayor Ballantyne's amendment that affects this property not be approved.

Chair Capuano stated that the only items left relate to Boynton Yards; Vice Chair Aboff recused herself and left the meeting at 6:23pm.

ZONING AMENDMENT: Boynton Yards LandCo LLC requesting approval of a Land Conveyance petition for portions of Earle Street in the Boynton Yards neighborhood.

The Board reviewed the memo provided by the city's Law Department submitted on 20 October 2022. The Law Department recommended that the Planning Board and the Land Use Committee recommend the requested approval of the Land Conveyance petition.

Following a motion by Chair Capuano, seconded by Clerk Geno, the Board voted unanimously (4-0) to recommend approval of this zoning amendment (Boynton Yards LandCo LLC requesting approval of a Land Conveyance petition for portions of Earle Street in the Boynton Yards neighborhood.) to the Land Use Committee.

PUBLIC HEARING: 153 South Street - Subdivision (P&Z 22-108)

The applicant team reviewed the project, site plan, and stated that they are requesting a subdivision in compliance with the approved Master Plan. They reviewed the preliminary platting plan that was approved with the amendment to the Master Plan Special Permit, approved earlier this year, and noted that the team is here to complete the final steps of the subdivision. The team explained that there are two plans needing the Board's approval, one for the recorded land and one for the registered land. They then reviewed the parcels proposed to be created for each plan. The applicant team noted that the Staff Memo inadvertently did not mention the full scope of the subdivision applied for and did not include the full plans, which is for all 15 lots on the two subdivision plans, one for the recorded land and one for the registered land.

Staff explained that they were originally under the impression that the Planning Board would not need to approve the plan for the registered land. Staff can confirm that the plans do create 15 lots that conform with the approved plans of Master Plan Special Permit and the Zoning Ordinance. The Board and Staff confirmed that the legal notice that was sent out for this hearing was sufficient and will not need to be resent with any additional information.

Chair Capuano opened public testimony.

City Councilor JT Scott stated that the application appeared to be in order and followed what has been previously set up with the Master Plan. He thanked the Board for clarifying the difference between registered and recorded land.

Chair Capuano closed public testimony.

The applicant team requested that the Board vote to approve the subdivision this evening, as an approval would ensure that they could get the lots identified and recorded with the Middlesex South Registry of Deeds by the end of the year. They are requesting an approval so that they can tie up year-end financial and business transactions with their lenders and investors so they can continue to fulfill the Boynton Yards plans and neighborhood benefits.

The Board discussed if giving the public the two-week customary written testimony period would dramatically affect the applicant team's year-end business dealings. The applicant team noted that each subdivision application they

have proposed in the recent past have been approved in one night, without the two-week waiting period. The Board and applicant team discussed how waiting two weeks would complicate their year-end timelines; the Board agreed that they are willing to forego the two-week written testimony waiting period and vote this evening due to the circumstances and Councilor Scott's recommendation.

Following a motion by Chair Capuano, seconded by Clerk Geno, the Board voted unanimously (4-0) to approve the application with conditions established in the Staff Memo.

RESULT:

APPROVED WITH CONDITIONS

PUBLIC HEARING: 153 South Street – Thoroughfare (P&Z 22-008)

The applicant team briefly reviewed Thoroughfare 1 as established in the previously approved Master Plan, where they are in the Site Plan Approval process, how Building 3 and Thoroughfare 1 were handled together, the overall schedule of the project, and where they currently are in the schedule. They reviewed the location of the thoroughfare in the broader context of the city, described the project goals which focus on pedestrian access, and how the design team followed the National Association of City Transportation Officials (NACTO) shared-streets best management practices. The team also shared examples of streets that use similar concepts and pedestrian protections, street trees, and programming opportunities. They showed a diagram of the Boynton Yards area with pedestrian street zones, bike lanes, vehicular access points, noted the ability to shut down Thoroughfare 1 to create a pedestrian-only space, and reviewed how access to each building will be maintained. The applicant team shared the components of the thoroughfare including the "movement zone", the "hybrid/flex zone", and the "pedestrian zone" and what would be included in each zone, as well as how the thoroughfare would respond to the ground floor active uses and the lighting plan. The team spoke about the parking plan, bicycle parking, how some parking spaces could be converted into booths or stalls for street fairs, and how the thoroughfare could support events. They touched upon the topography of the site, how bio-infiltration planters will be used, materiality options for the thoroughfare, and the robust tree planting plan and goals for the site. The team shared renderings of the site from various vantage points, movable street furniture, explained how the proposed materials are consistent with the rest of the Boynton Yards development, and reviewed the proposed phasing of construction.

The applicant team requested that the conditions in the Staff Memo be revised to ensure consistency with the timing and phasing of the amended Master Plan, including the Legal Agreements condition and General Condition #2. Staff noted that the amendment of the Zoning Ordinance related to the conveyance of land for thoroughfares did not make it into the online version of the Ordinance; Staff reviewed said amendment. Given that additional language, Staff does not see an issue with amending the related condition. Staff explained the reasoning behind the initial condition language, and after discussions with Engineering, Staff also does not see an issue with amending the condition related to timing, referencing the completion of Phase 2 rather than Phase 3.

The Board and Staff discussed when the thoroughfare would be conveyed to the city and the City Council process to accept the thoroughfare, which would likely happen at the end of Phase 2 of the Master Plan.

Chair Capuano opened public testimony. No one indicated that they wished to speak. Chair Capuano closed public testimony.

City Councilor JT Scott reviewed the neighborhood meetings for the thoroughfare and stated that he isn't certain the currently proposed thoroughfare is the best possible streetscape, however it is a significant improvement to the standard. He also noted that the neighborhood has voiced their support of the proposed design.

The Board and applicant team discussed the two paving schemes and the safety aspects of the proposed designs, the considerations regarding lighting, the phasing plan for the streetscape construction, the plans for protecting newly planted trees during construction of adjacent buildings, the possibility of imposing a condition to protect the

trees and the suggestion of the team to work with the Public Space and Urban Forestry (PSUF) Division to establish protective measures. They continued the discussion with how closely the phasing of construction is linked with the adjacent buildings, how the application includes a performance bond to ensure the construction of the thoroughfare, and how it will be under the city's jurisdiction if the thoroughfare is closed for pedestrian-only use. Councilor Scott more thoroughly reviewed how public street closures occur for public events; how such closures generally require an application process through the City Clerk's office, are reviewed by Staff, and need approval by the City Council. They also spoke about the way the thoroughfare is laid out in terms of materials, how the Board would like to have further discussions on the best way to address traffic calming, and the width of the sidewalks.

Chair Capuano left written comment open until noon on 4 November 2022.

Following a motion by Chair Capuano, seconded by Member Habib, the Board voted unanimously (4-0) to continue the case to 10 November 2022.

RESULT:

CONTINUED

PUBLIC HEARING: 2, 8, & 29 Harding Street (n/k/a 99 South Street) - Building (P&Z 22-007)

The applicant team reviewed the Site Plan application process, site location, building's proposed design, and noted that the building will be seeking LEED Platinum certifiability. They spoke about the massing strategy, scaling elements, ground floor concept, how the adjacent streets will be addressed, the proposed materiality, and how the building relates to the adjacent civic space on South Street. The team showed renderings of the relationship of the building to the civic and pedestrian spaces and the streetscape. Then the applicant team presented the landscape plan, including the planting strategy and priorities for pedestrian access. They noted that they have exceeded the Green Score through the use of shade trees, permeable pavers, a green roof, and other landscaping strategies. They described how the proposed materials are intended to be consistent with the rest of the Boynton Yards area and showed images of the materials and street furniture. The applicant team reviewed the sustainability aspects of the building, the goals to support the community (significant number of jobs, economic benefits, etc.), and the numerous events (Oktoberfest, movie nights, OneSomerville summer concert series, etc.) that have occurred in Boynton Yards over the last year and will continue to be supported.

The Board, Staff, and the applicant team reviewed changes made to the ground floor configuration, noting that the plan was amended slightly to accommodate ground-level bicycle storage. They reviewed the amount of bicycle parking being provided, and the applicant team stated that the proposed changes meet the requirements. The Board asked for further clarification on the topic at the next meeting.

City Councilor JT Scott stated that the two neighborhood meetings held on the building were extensive, however there seems to be a significant amount of new information in tonight's presentation. Councilor Scott noted that he was pleased with how the applicant and the proposed site plans addressed the concerns raised by the neighborhood in terms of community access and complimented the team for listening to the neighborhood's feedback. He encouraged the Board to review the recordings of the neighborhood meetings.

The Board and applicant team discussed when the last neighborhood meeting was held, and a summary of the changes made to the proposal since the applicant team presented to the neighborhood. Councilor Scott clarified that his comments were not meant to be critical, just that he wanted to be cautious about addressing the ward's and neighborhood's concerns. He noted that he will review the neighborhood meeting recordings and will attend the next Planning Board meeting with that feedback in mind so he can provide additional comments.

Chair Capuano opened public testimony. No one indicated they wished to speak. Chair Capuano closed public testimony.

The Board, Staff, and applicant team discussed how the proposed bicycle parking will impact the retail and ACE spaces, how the Master Plan allows the ACE spaces to be in different locations of the building, how the Mobility Division encouraged adding additional bicycle parking at the ground level, the concern that all of the ground floor bicycle parking will be located in one area of the building, and the strategies of the Mobility Management Plan including the potential pedestrian bridge to connect pedestrians to the MBTA station. They also discussed the approach and safety considerations of the chemical/hazardous waste storage, the neutralization system that is permitted through the Massachusetts Water Resources Authority (MWRA), if the chemical storage rooms could be subdivided into different rooms, and the approach to community engagement and notice in regard to the Somerville Biosafety Committee permitting process. The Board noted that they have requested a presentation by the Somerville Biosafety Committee about their roles and responsibilities, and how they dovetail with the Planning Board process.

The Board and applicant team also spoke about the vehicular access throughout the site, how the Board requested additional clarification on circulation patterns and bicycle room access at the next meeting, the reasoning behind the different sized retail and ACE spaces, the context of the building within the Boynton Yards neighborhood, the unique massing of the building, and the materiality and human-scale components in spite of the building being large.

They addressed a safety concern onsite that was raised during a neighborhood meeting and how the team has spoken with the contractors and has added signage to improve safety protocols, and since there have not been any additional complaints; if they do receive any complaints, they will make sure they are addressed immediately. Councilor Scott noted that many of the neighbors that were concerned are almost exclusively Spanish speaking, and don't normally engage with the city through the normal channels, but he will meet with them again to check in with them about their concerns.

Chair Capuano left written testimony open until noon on 4 November 2022.

Following a motion by Chair Capuano, seconded by Member Habib, the Board voted unanimously (4-0) to continue the case to 10 November 2022.

RESULT:

CONTINUED

NOTICE: These minutes constitute a summary of the votes and key discussions at this meeting. A recording of these proceedings can be accessed at any time by using the registration link at the top of the meeting agenda.