



City of Somerville

# PLANNING BOARD

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

**TO:** Planning Board  
**FROM:** Planning, Preservation, & Zoning Staff  
**SUBJECT:** 114-120 Broadway, P&Z 22-171  
**POSTED:** March 30, 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 request for an extension of the duration of the validity of a Special Permit previously granted for 114-120 Broadway and provides related analysis or feedback as necessary. The application was deemed complete on February 27, 2023, and is scheduled for a public hearing on April 6, 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

Good Food Restaurant, LLC seeks to extend the validity of, and a Major Amendment to, a previously issued Special Permit (PB 2019-13) in the Mid-Rise 5 (MR-5) district.

## SUMMARY OF PROPOSAL

Good Food Restaurant, LLC is requesting a 6-months extension to the validity of a previously issued Special Permit (PB 2019-13) to allow the Applicant to construct a five (5) story mixed-use building with approximately 4,000 square feet of ground floor retail and 39 residential units on the upper floors. Granting this extension would extend the validity of the permit from December 16, 2022 to June 16, 2023. Additionally, the Applicant is proposing modifications to the previously issued Special Permit that requires changes to Condition #30 and #38. Changes to previously issued conditions of approval require Board Review.

## BACKGROUND

114-120 Broadway is located on a Pedestrian Street and in the 0.50mi Transit Area in the Mid-Rise 5 (MR-5) zoning district in the East Somerville neighborhood represented by Ward 1 Councilor Matt McLaughlin.

Prior to December 12, 2019, all Special Permits were issued under the previous Somerville Zoning Ordinance.

On August 21, 2019, the Planning Board approved with conditions one (1) Special Permit to replace the existing one-story building to construct a five (5)-story mixed use building with approximately 4,000 square feet of ground floor retail and 39 residential units on the upper floors, and one (1) Special Permit for parking relief to allow for 31 parking spaces (PB 2019-13). The Special Permit was valid for two (2) years (September 10, 2021). The Covid-19 pandemic allowed an additional 462 days of validity, making the original Special Permit expire on December 16, 2022.

The following are the conditions being referenced as approved by the Board:

- *Condition #30: Street trees shall be planted in accordance with City Arborist requirements. The tree pits shall be filled with structural soil of not less than 2,500 cubic feet per tree and the tree grates will be the City standard size and detail. All construction and installation shall be in accordance with DPW standards.*
- *Condition #38: A revised Landscape Plan shall be submitted to Planning Staff through the Zoning Review Planner showing the Fire Department's requested walkway along the rear/side of the building at the head of the parking spaces. The Landscape Plan shall also be updated to show that the required planted buffer at the rear of the property is the requisite 10'.*

## ANALYSIS

The Applicant is proposing modifications to the previously issued Special Permit that requires changes to Condition #30 and #38. Changes to previously issued conditions of approval require Board Review.

Staff notes that the Somerville Zoning Ordinance in effect requires 1,000 cubic feet of structural soil per tree for tree pits when planting street trees. In coordination with the Public Space and Urban Forestry Division and City Arborist, Staff recommends the following revision:

- Condition #30: Street trees shall be planted in accordance with City Arborist requirements. The tree pits shall be filled with structural soil of not less than ~~2,500~~ 1,000 cubic feet per tree and the tree grates will be the City standard size and detail. All construction and installation shall be in accordance with DPW standards.

Staff notes that the proposed transformer acts as a screen to any pedestrian access to the area being referenced. Staff recommends the removal of the requirement for a walkway, as it allows more area to be allocated towards utility lines and the required landscape buffer. Staff recommends the following revision:

- Condition #38: A revised Landscape Plan shall be submitted to Planning Staff through the Zoning Review Planner ~~showing the Fire Department's requested walkway along the rear/side of the building at the head of the parking spaces.~~ The Landscape Plan shall also be updated to show that the required planted buffer at the rear of the property is the requisite 10'.

## CONSIDERATIONS & FINDINGS

In order to extend the duration of validity, the Planning Board is required by the Somerville Zoning Ordinance to make a finding that a demonstrated hardship has prevented utilization of the rights authorized by the Special Permit.

As this is a revision to Special Permits issued under the previous Somerville Zoning Ordinance, pursuant to the previous Ordinance, §5.3.8.2, the following is applicable:

*“Revisions that are not de minimis shall be subject to the full notice and hearing provisions of §5.3.2 of this Ordinance but shall not be subject to review by additional boards, departments, city agencies or commissions except as requested by the SPGA or upon the recommendation of the Planning Director. Applicable findings shall be made in accordance with the type of permit(s) being revised.”*

## PERMIT CONDITIONS

Should the Board approve the requested extension of the duration of the validity of the Special Permit (PB 2019-13), Planning, Preservation & Zoning Staff recommends the following conditions:

### Validity

- This Decision must be recorded with the Middlesex South Registry of Deeds.
- All other conditions of decision #PB 2019-13 for 114-120 Broadway remain valid.

### Public Record

- A digital 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.