



City of Somerville

## PLANNING BOARD

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

### DECISION

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**PROPERTY ADDRESS:** 59 Bow Street  
**CASE NUMBER:** P&Z 21-017  
**OWNER:** 59-61 Bow Street, LLC  
**OWNER ADDRESS:** P.O. Box 610312, Newton, MA 02461  
**APPLICANT:** same as owner  
**APPLICANT ADDRESS:** same as owner  
**DECISION:** *Approved with Conditions (Site Plan Approval)*  
*Approved with Conditions (Special Permit to Establish Household Living Use)*  
**DATE OF VOTE:** February 16, 2023  
**DECISION ISSUED:** February 23, 2023

This decision summarizes the findings made by the Planning Board (the "Board") regarding the development review application submitted for 59 Bow Street.

### LEGAL NOTICE

59-61 Bow St., LLC proposes to develop a five (5)-story, Net-Zero Ready, LEED Platinum general building and establish a Household Living principle use for 15 dwelling units in the Mid-Rise 5 (MR5) zoning district. This proposal requires Site Plan Approval and one (1) Special Permit.

### RECORD OF PROCEEDINGS

On January 19, 2023 the Planning Board held a public hearing advertised in accordance with M.G.L. 40A and the Somerville Zoning Ordinance (SZO). Present and sitting at the public hearing were Board Members Chair Michael Capuano, Vice-Chair Amelia Aboff, Clerk Erin Geno, Jahan Habib, and Alternate Debbie Howitt Easton. The Applicant team presented their project proposal.

The Applicant team specifically noted that they would be voluntarily placing a deed restriction on the property that prevents all owners/tenants of the building from parking on Bow Street Place.

Public testimony was taken. The Board asked that the Applicant revise their proposal to increase the per-unit bedroom count, provide more information regarding vegetation for planter boxes, and re-asses their delivery/loading/ ride share proposal. The Chair left the written public comment period open until Noon on January 27, 2023. The Board continued the matter to February 2, 2023.

On February 2, 2023, the Board resumed the public hearing. Present and sitting at the public hearing were Board Members Chair Michael Capuano, Vice-Chair Amelia Aboff, Clerk Erin Geno, Jahan Habib, Michael McNeley, Alternate Debbie Howitt Easton, and Alternate Luc Schuster. Member Jahan Habib, was absent from the hearing on January 19, 2023, but submitted an affidavit confirming review of the evidence, and was able to participate in the decision.

The Applicant team described the changes that they made to the per unit bedroom count and discussed possibilities for the planter boxes. Potential modifications to the loading/delivery/ride share required additional review by the Mobility Division. However, the Mobility Division had not yet been able to provide feedback on the Applicant team's proposed changes. The matter was continued to the February 19, 2023.

On February 19, 2023, the Board resumed the public hearing. Present and sitting at the public hearing were Board Members Chair Michael Capuano, Vice-Chair Amelia Aboff, Clerk Erin Geno, Jahan Habib, Michael McNeley, and Alternate Luc Schuster. Alternate Debbie Howitt Easton was absent. The Applicant team discussed that the Mobility Division stood by their original approval of the Applicant's TAP and that changes to the loading/delivery/ride share scheme could be reviewed in the future, if necessary. Public comment was taken.

It was again stated that the Applicant would be voluntarily placing a deed restriction on the property that prevents all owners/tenants of the building from parking on Bow Street Place. The Applicant and Chair Capuano noted that fake plants would not be installed at the property.

## PLANS & DOCUMENTS

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

Document	Pages	Prepared By	Date	Revision Date
59 Bow Street Plan Set	29	Balance Architects, 197 8 <sup>th</sup> St., Boston, MA	December 18, 2022	January 23, 2023
Summary of Plan Changes	1	Balance Architects, 197 8 <sup>th</sup> St., Boston, MA	February 8, 2023	
59 Bow Street Landscape Package	8	Balance Architects, 197 8 <sup>th</sup> St., Boston, MA	December 12, 2022	
59 Bow Street Solar Study	26	Balance Architects, 197 8 <sup>th</sup> St., Boston, MA	December 16, 2022	
59 Bow Street TAP	15	Balance Architects, 197 8 <sup>th</sup> St., Boston, MA	January 2021	October 2022
59 Bow Street Project Narrative	1	Balance Architects, 197 8 <sup>th</sup> St., Boston, MA	August 1, 2022	
Neighborhood Mtg Report 1	2	Balance Architects, 197 8 <sup>th</sup> St., Boston, MA	July 29, 2021	
Neighborhood Mtg Report 2	2	Balance Architects, 197 8 <sup>th</sup> St., Boston, MA	October 12, 2021	
UDC Report	1	Balance Architects, 197 8 <sup>th</sup> St., Boston, MA	January 30, 2022	

## SITE PLAN APPROVAL FINDINGS

In accordance with the Somerville Zoning Ordinance, the Board may approve or deny a Site Plan Approval upon making findings considering, at least, each of the following:

### 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.

Regarding each of the items above, the Board found the following:

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

The proposal will help to facilitate transit-oriented, neighborhood infill development when it enhances the lively, human-scaled and walkable character of Somerville blocks and neighborhoods. In line with SomerVisio2040 goals, the proposal will help to minimize the overall space in Somerville dedicated to personal vehicles and help to reduce demand for parking by reducing the space available for parking and personal vehicle use.

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

The proposal is consistent with the intent of the MR5 zoning district which is, in part "[t]o create, maintain, and enhance areas appropriate for smaller scale, multi-use and mixed-use buildings and neighborhood serving commercial uses."

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

The Applicant team volunteered to place a deed restriction on the property prohibiting owners/tenants from parking on Bow Street Place.

## SPECIAL PERMIT 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:

### Special Permit 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. *The suitability of the site for a household living principal use compared to other potential principal uses.*
4. *The ability of the development proposal to meet the demand for dwelling units of various types, sizes, and bedroom counts.*
5. *The increase or decrease in the number or price of any previously existing ADUs.*

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

Regarding each of the items above, the Board found the following:

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

The proposal will help to facilitate transit-oriented, neighborhood infill development when it enhances the lively, human-scaled and walkable character of Somerville blocks and neighborhoods. In line with SomerVisio2040 goals, the proposal will help to minimize the overall space in Somerville dedicated to personal vehicles and help to reduce demand for parking by reducing the space available for parking and personal vehicle use.

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

The proposal is consistent with the intent of the MR5 zoning district which is, in part "[t]o create, maintain, and enhance areas appropriate for smaller scale, multi-use and mixed-use buildings and neighborhood serving commercial uses."

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

The site is in the heart of Union Square, providing a suitable location for both residential use and commercial space that can provide housing and service(s) both for the neighborhood and the wider public. The property is within a ¼-mile walkshed of the Union Square Green Line T Station.

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

The proposal is for 1 two-bedroom unit and 14 one-bedroom units.

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

There were no ADUs present on the building to be replaced on this site. The proposal will bring 3 new ADUs to the Union Square neighborhood.

6. *The number of motor vehicle parking spaces proposed*

As allowed within a ¼-mile Transit Area, no vehicular parking spaces will be provided on-site. No residential parking permits will be issued by the City for this address with the exception of the 3 affordable dwelling units.

## DECISION

Following public testimony, review of the submitted plans, and discussion of the statutorily required considerations, Chair Michael Capuano moved to approve the **Site Plan Approval** to develop a five (5)-story, Net-Zero Ready, LEED Platinum general building on a Pedestrian Street in the Mid-Rise 5 (MR5) zoning district with the conditions included in the staff memo. The Applicant volunteered to place a deed restriction on the property preventing owners/tenants from parking on Bow Street Place. Vice Chair Amelia Aboff seconded. The Board voted **5-0** to approve the permit. Clerk Geno abstained. The Site Plan Approval is subject to the following conditions:

### Permit Validity

- This Decision must be recorded with the Middlesex South Registry of Deeds.
- A 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.
- A written narrative or descriptive checklist identifying the completion or compliance with permit conditions must be provided to the Inspectional Services Department at least ten (10) working days in advance of a request for a final inspection.
- Alterations to the design or location of the transformer vault is a major amendment to the approved plans and is permitted only as a Plan Revision in accordance with Article 15 of the Somerville Zoning Ordinance.

### Public Record

- Physical copies of all development review submittal materials, permitted by the Planning Board, must be submitted to the Planning, Preservation & Zoning (PPZ) Division for the public record.
- 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.

### Site & Building Design

- Full, solid brick shall be use on the exterior of the building, not brick veneer.
- Utility meters are not permitted on any facade or within the frontage area of the lot.

### Construction Documents

- Construction documents must be substantially equivalent to the approved plans and other materials submitted for development review.
- 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 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.

### Sustainability

- All Step 2 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 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.
- All Step 3 documentation required by the LEED Certifiability Requirements must be submitted to the Office of Sustainability & Environment.

### Parking

- 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.

- Formal acknowledgement that residents are ineligible for on-street Residential Parking Permits, subject to the regulations of the Somerville Traffic Commission, must be filed with this Decision.

Following public testimony, review of the submitted plans, and discussion of the statutorily required considerations, Chair Michael Capuano moved to approve the **Special Permit to Establish Household Living Use** in a five (5)-story, Net-Zero Ready, LEED Platinum general building on a Pedestrian Street in the Mid-Rise 5 (MR5) zoning district with the conditions included in the staff memo. The Applicant volunteered to place a deed restriction on the property preventing owners/tenants from parking on Bow Street Place. Vice Chair Amelia Aboff seconded. The Board voted **5-0** to approve the permit. Clerk Geno abstained. The **Special Permit** is subject to the following conditions:

#### Validity

- The Decision must be recorded with the Middlesex South Registry of Deeds.
- A 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.

#### Housing

- 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  
Michael McNeley  
Luc Schuster, *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.

**Commented [EH1]:** Bold font for appropriate permit.

Signed \_\_\_\_\_ City Clerk Date \_\_\_\_\_