



City of Somerville

## PLANNING & ZONING DIVISION

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

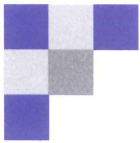
**TO:** City Clerk  
**FROM:** Planning & Zoning Staff  
**DATE:** January 12, 2021  
**RE:** Determination of Insubstantial Change for Comprehensive Permit at 485 Mystic Valley Parkway

On November 6, 2020 the Applicant, the Somerville Housing Authority, submitted a Notice of Project Change for Phase II of the Mystic Waterworks project at 485 Mystic Valley Parkway. The item was scheduled for a public meeting on November 16, 2020 but, due to scheduling conflicts, the Applicant requested in writing that the item be continued to the next ZBA meeting on December 16, 2020.

The December 16, 2020 ZBA meeting had a noticing error with the agenda, and so all items were continued to January 6, 2021. The Applicant indicated in writing that this was acceptable to them.

On January 6, 2021 the ZBA held a public meeting to determine whether the changes proposed in the attached document were substantial or insubstantial. After considering the standards set forth in 760 CMR 56.07(4)(c) and (d), the Board unanimously (5-0) voted to find that the proposed changes were insubstantial.

The documents that the ZBA reviewed are attached to the end of this memo.



# FREEMAN LAW GROUP LLC

*Attorneys at Law*

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November 6, 2020

Zoning Board of Appeals  
Somerville City Hall  
93 Highland Avenue  
Somerville, MA 02143

Re: Somerville Housing Authority  
485 Mystic Valley Parkway 2012 Comprehensive Permit ZBA # 2011-79

**PHASE II - NOTICE OF PROJECT CHANGE  
INSUBSTANTIAL CHANGES**

Dear Board Members:

This firm represents the Somerville Housing Authority ("SHA"), holder of a comprehensive permit issued in 2012 under M.G.L. c. 40B, §§20-23 and modified on January 15, 2014 to allow phasing (by letter of George J. Proakis, AICP, Director of Planning) and modified by the Board on September 3, 2016 as an insubstantial change (collectively "Comprehensive Permit"). The Comprehensive Permit is for sixty (60) affordable one-bedroom residential dwelling units for seniors and persons with disabilities in two buildings ("Project") in two Phases, with Phase I now having been successfully constructed.

SHA seeks a determination from the Board, under 760 CMR 56.05(11), that a modification to Phase II of Project to reduce the number of units from 35 one-bedroom units to 21 one-bedroom units and to reduce the height of the building from four stories to three stories and to slightly alter the footprint of the building, all as shown in the enclosed site plan and drawings prepared by Dimella Shaffer and dated October 2, 2020 (Sheets A – 101, 102, 103, 201, 202 and 901), amount to insubstantial changes under 760 CMR 56.05(11) and 760 CMR 56.07(04). Also please see the attached narrative description with renderings and plans from Frank Valdes, AIA, of DiMella Shaffer dated October 13, 2020 (5 pages) enclosed herewith.

As you know, the Project is the redevelopment and conversion of the Mystic Water Works into twenty-five (25) units (Phase I) and the demolition of a garage building and replacement with a new building with the previously approved thirty-five (35) units (Phase II). The 2016 insubstantial modification approved, among other things, the phasing of the Project and the subdivision plan dividing the Locus into Lot 1 (for Phase I) and Lot 2 (for Phase II, which the Board endorsed, and also approved a provision stating that future minor changes may be approved administratively by the Somerville Director of Planning.

Under 760 CMR 56.07(4)(1), a reduction in the number of housing units generally shall be considered to be an insubstantial change.

Under 760 CMR 56.05(11), the Board is required to vote to determine within twenty (20) days whether the proposed modifications are substantial in accordance with 760 CMR 56.05(11)(c) and (d) and 760 CMR 56.05(11). If the Board determines that the changes are insubstantial or, if notice is not provided to the applicant to the contrary within the twenty (20) day period, the Comprehensive Permit shall be deemed modified to incorporate the changes. The determination as to insubstantiality does not require a public hearing. A public hearing would be required only if the Board were to determine that the changes are substantial; and, if so and pursuant to the aforesaid regulations, a public hearing then would be held within thirty (30) days.

We believe that the requested changes are insubstantial under the applicable regulations. There is no proposed increase in height, no increase in the number of housing units, no reduction in the size of the site, no change in the types of buildings, and no change from one form of housing tenure to another (i.e., the project will still be a rental project) and, so, none of the criteria for what could generally be considered a substantial modification are present.

We request that the Board's please place this matter on its next available Agenda, and we look forward to meeting with you then.

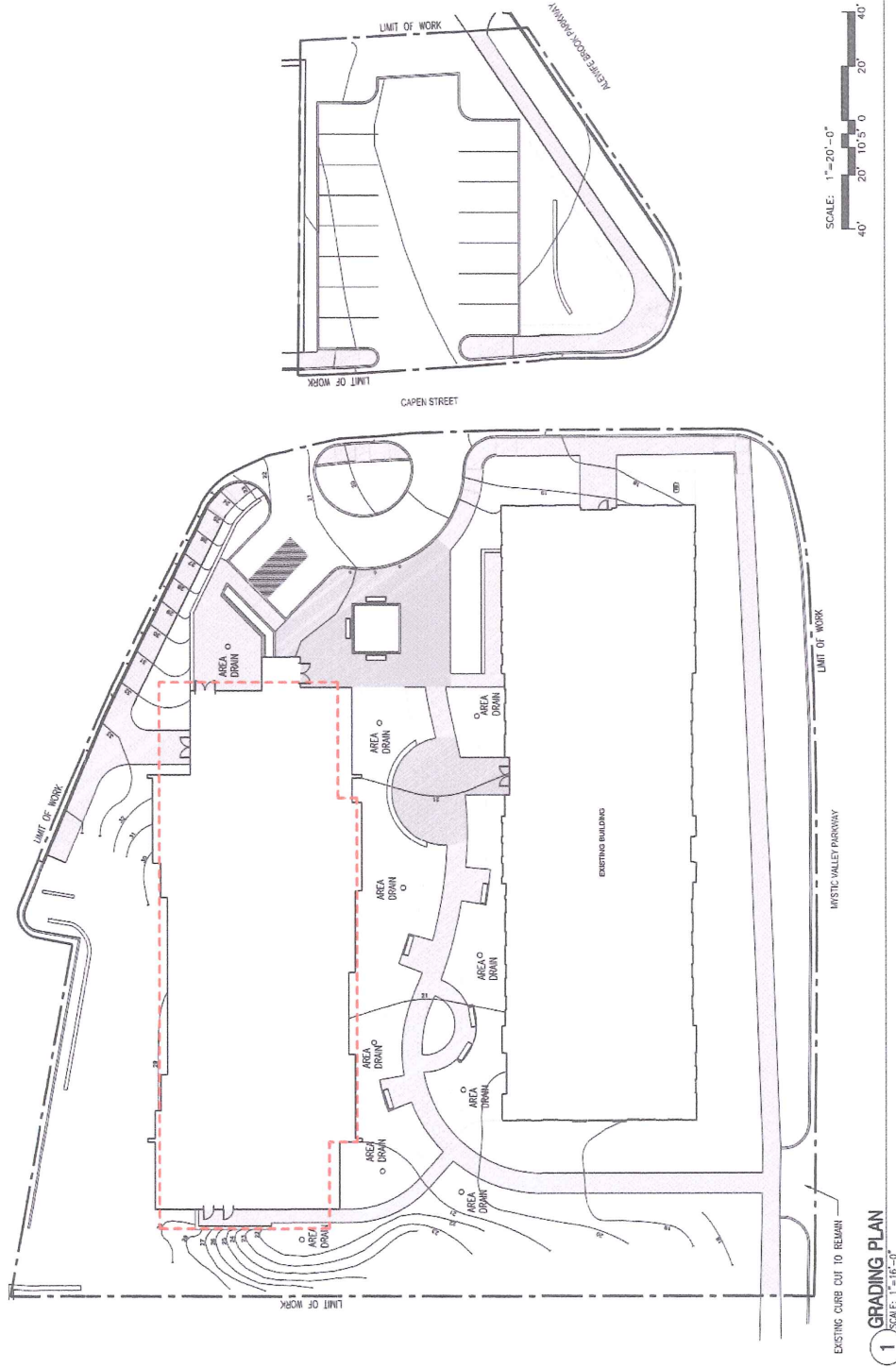
Thank you.

Very truly yours,

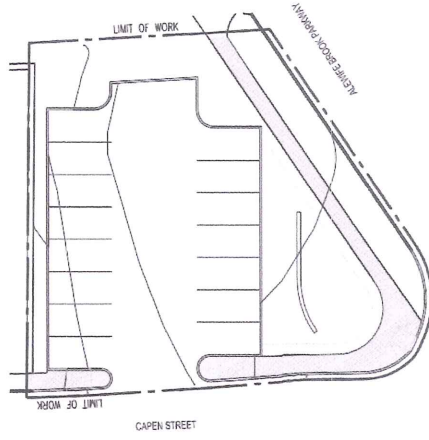


Peter L. Freeman

cc: Joseph R. Macaluso, Executive Director Somerville Housing Authority  
George A. Proakis, Director of Planning City of Somerville  
Kevin Bumpus, Somerville Housing Authority



1 GRADING PLAN  
SCALE: 1"=16'-0"

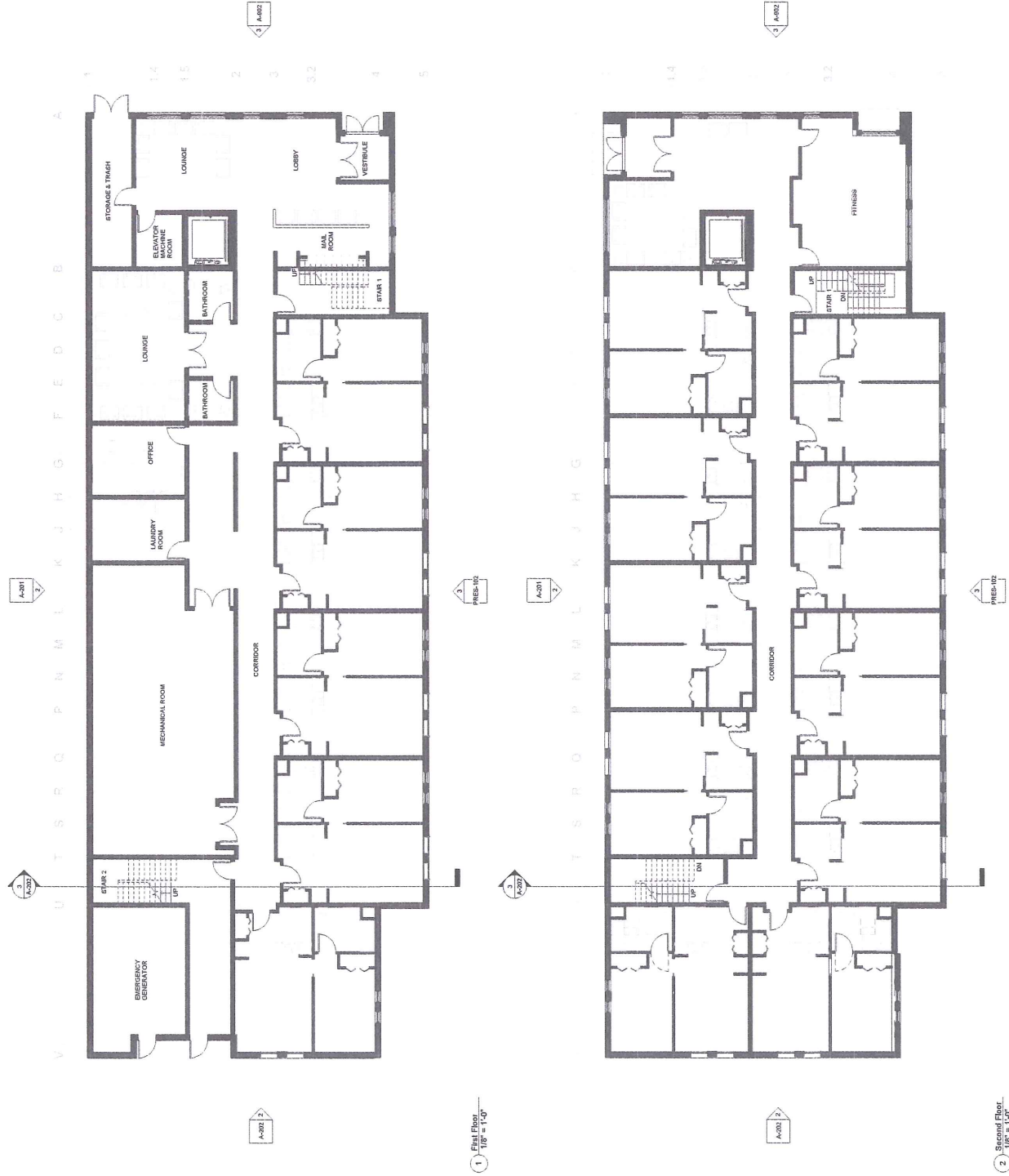


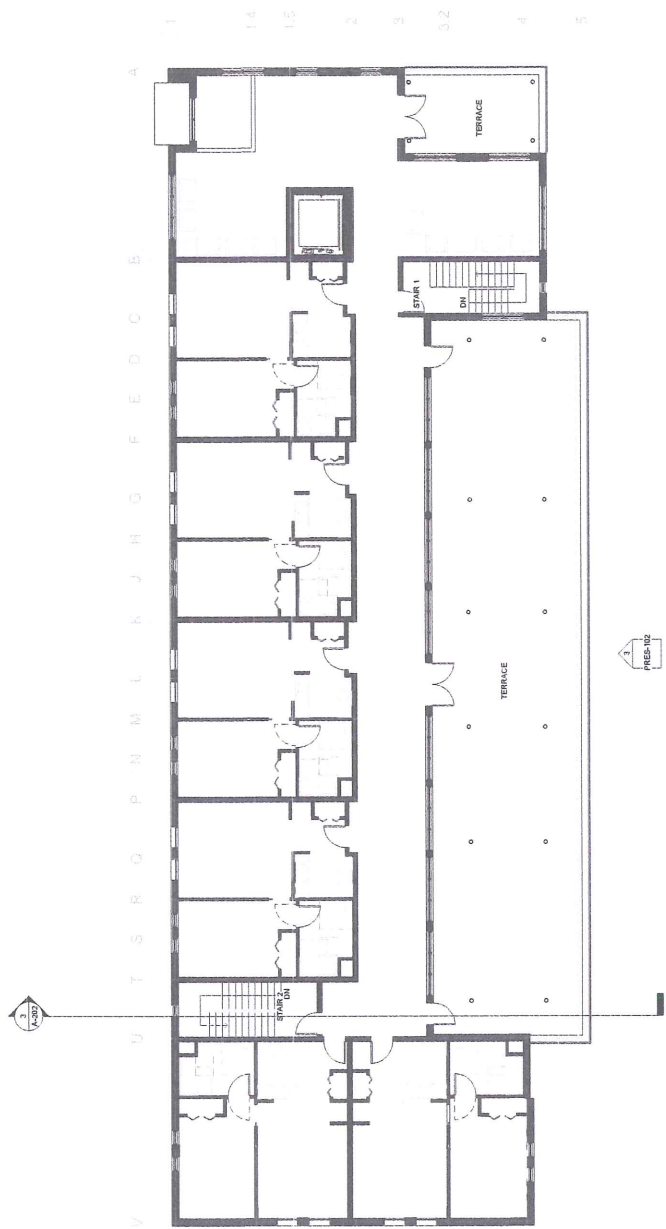
SCALE: 1"=20'-0"  
40' 20' 10' 5' 0' 20' 40'

SITE PLAN

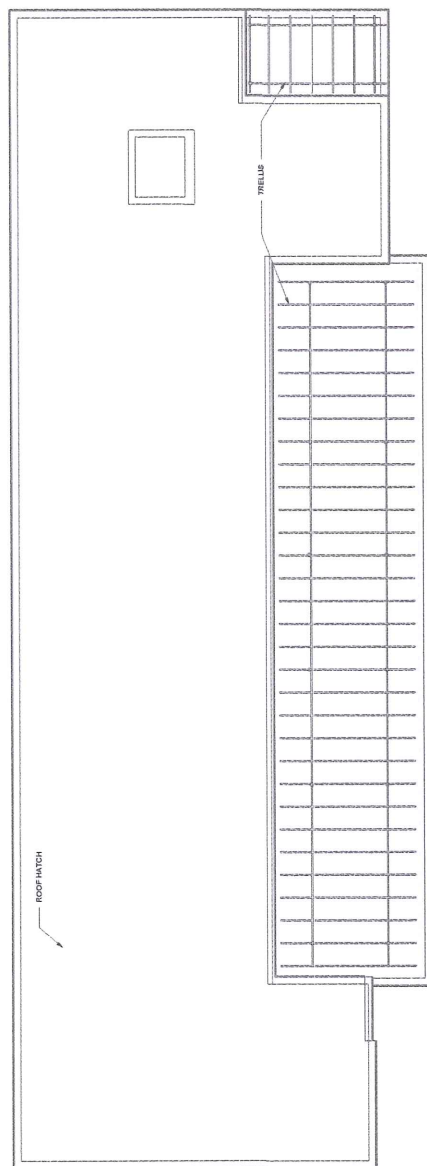








1 Third Floor  
1/8" = 1'-0"



2 Roof  $1/8" = 1'-0"$

DIMELLA  
SHAFFER

DIMELLA SHAFFER ASSOCIATES, INC.  
877.626.5047 | www.dimellashaffer.com

Consultants

Owner

Mystic Water Works  
Modular at Capen  
Court

Capen SL  
Somerville, MA 02144

Client

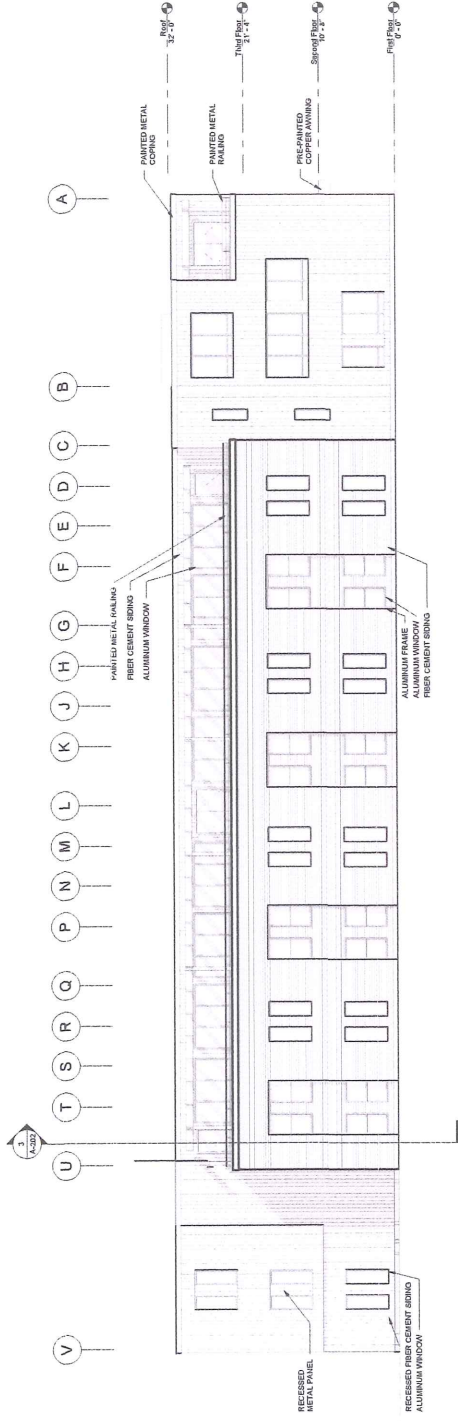
Somerville Housing Authority

SCALE: 1/8" = 1'-0"  
PROJECT #: 2019074.00  
REVIEWED BY:  
DATE: OCTOBER 2, 2020

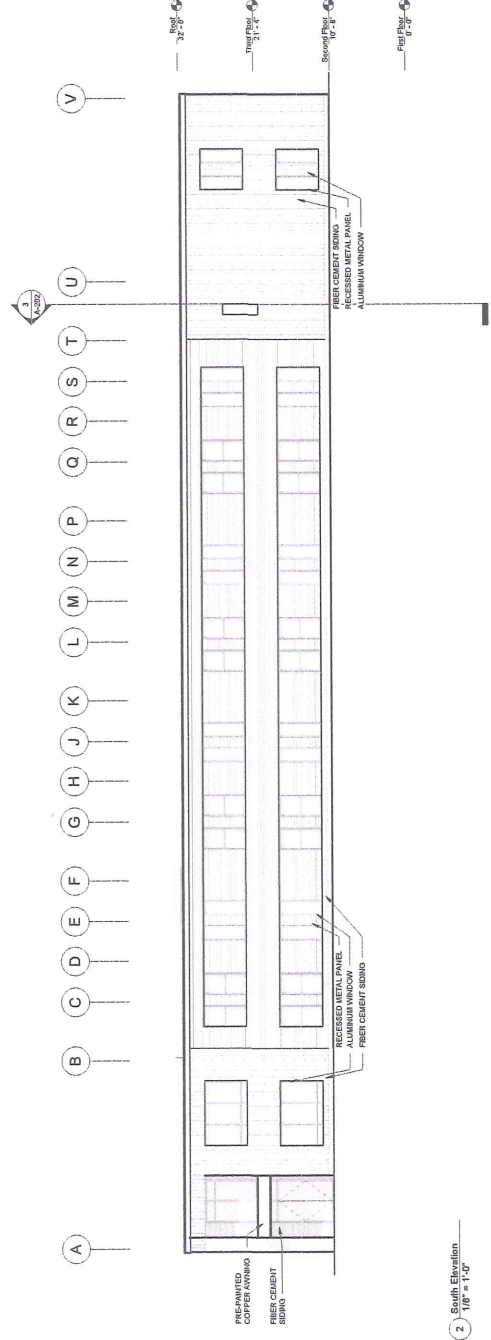
NORTH & SOUTH  
ELEVATIONS

A-201

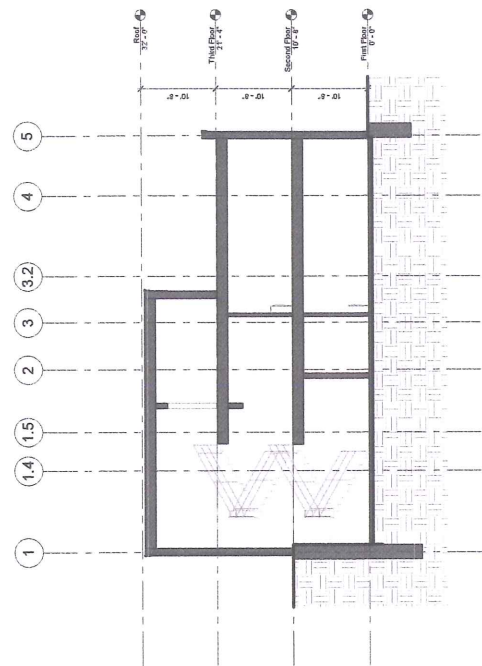
© Dimella Shaffer



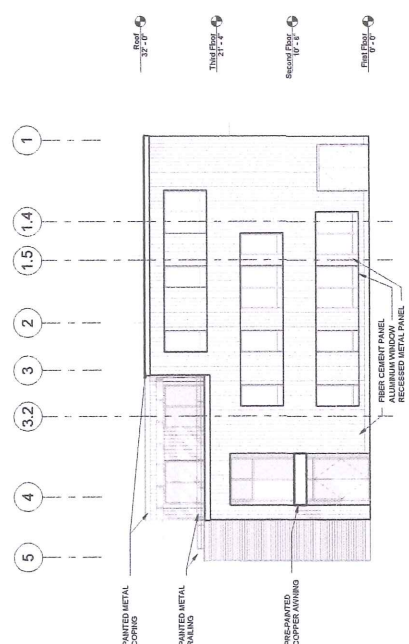
1 North Elevation  
1/8" = 1'-0"



2 South Elevation  
1/8" = 1'-0"



2 East Elevation  
1/8" = 1'-0"



1 West Elevation  
1/8" = 1'-0"

3 Cross Section (Module)  
1/8" = 1'-0"

Mystic Water Works  
Modular at Capen  
Court

Capen St.  
Somerville, MA 02144

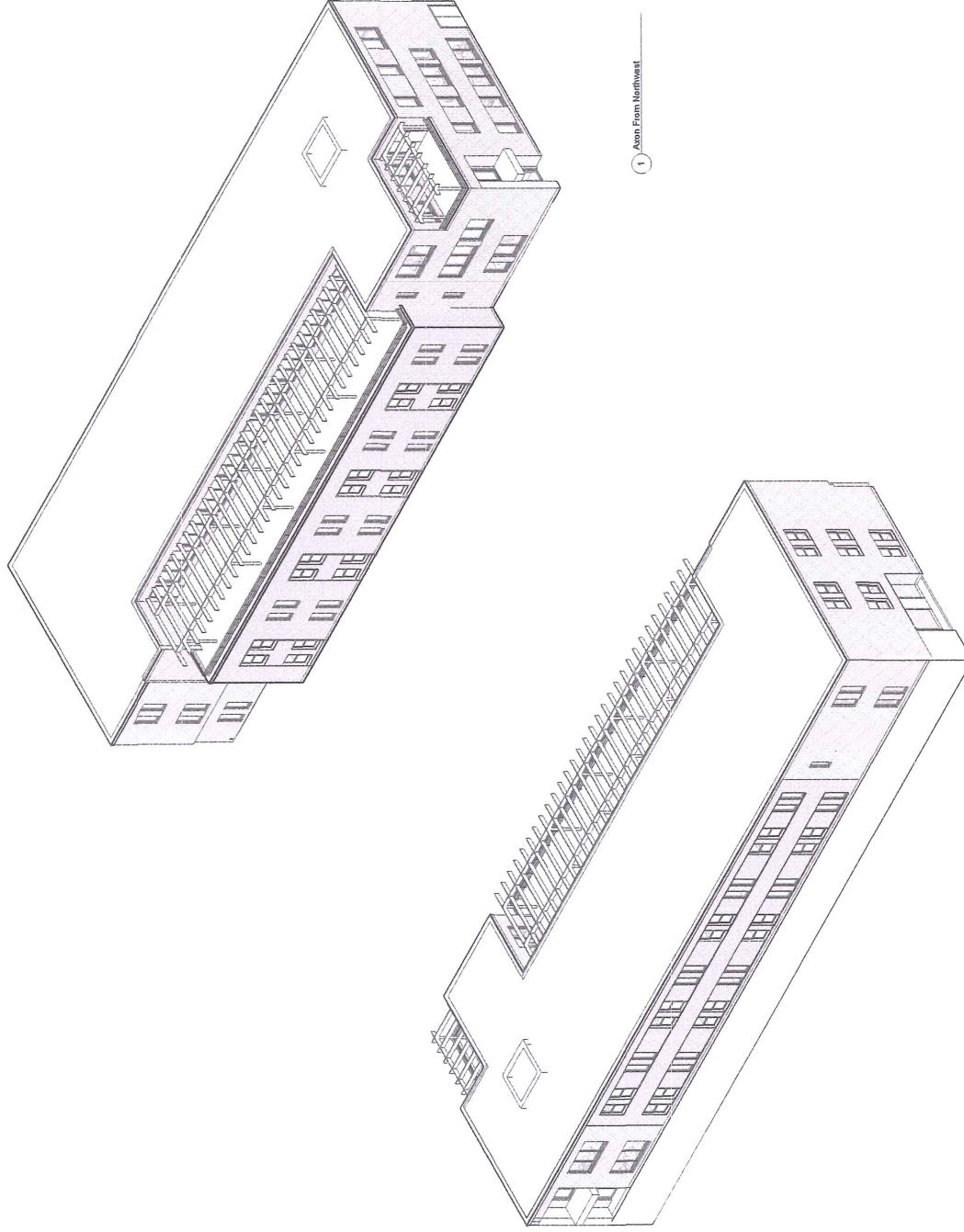
Client

Somerville Housing Authority

SCALE: 1/8" = 1'-0"  
PROJECT #: 2018074.00  
REVIEWED BY:  
DATE: OCTOBER 2, 2020

EAST & WEST  
ELEVATIONS WITH  
CROSS SECTION





1 View From Northwest

2 View From Southeast

Project  
Mystic Water Works  
Modular at Capen  
Court

Capen St.  
Somerville, MA 02144

Somerville Housing Authority

SCALE:  
PROJECT #: 2019074.00  
REVIEWED BY:  
DATE: OCTOBER 2, 2020

BUILDING NW & SE  
AXONS

A-901

© Dimella Shaffer

# DIMELLA SHAFFER

October 13, 2020

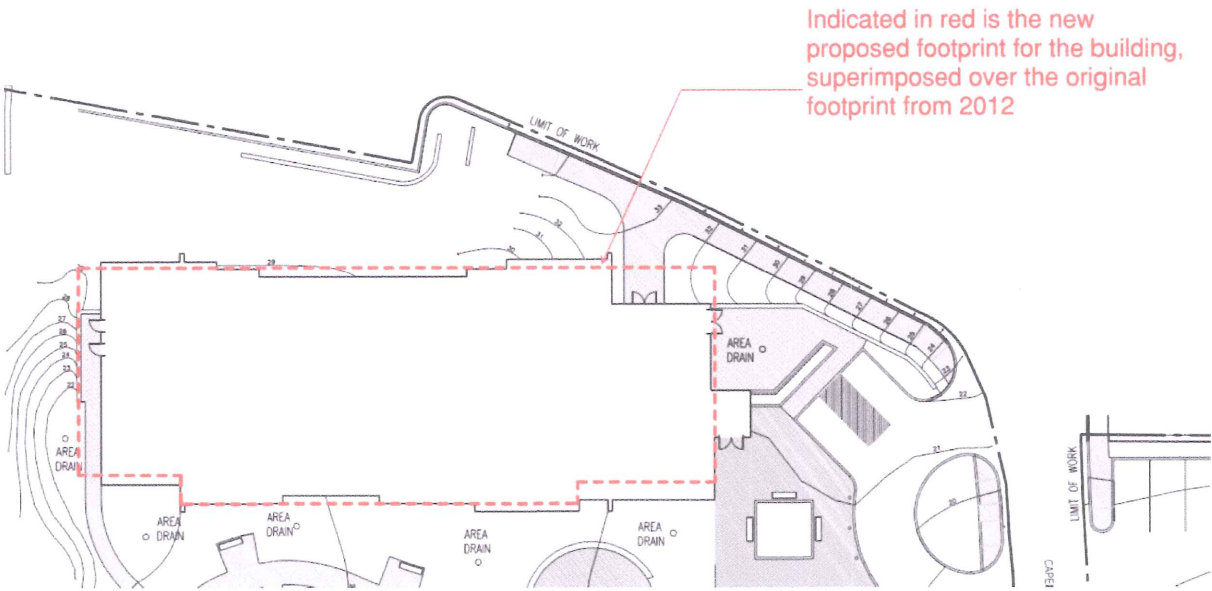
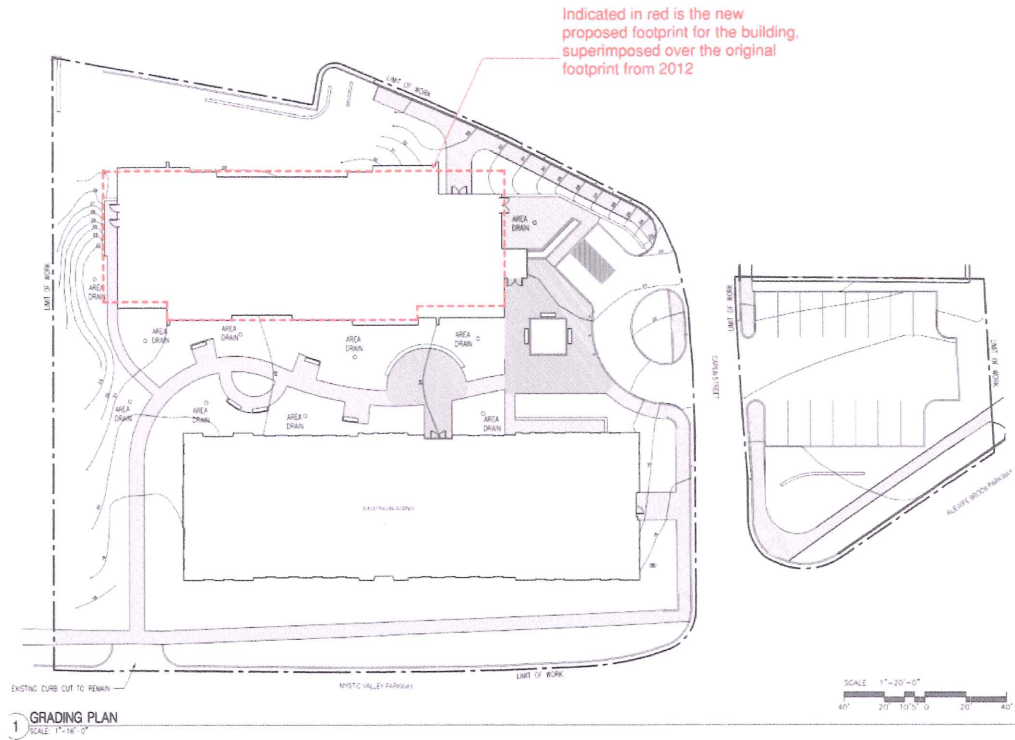
Re: **Mystic Water Works – Phase 2, changes from original design**

The original ZBA approval for the buildings at 485 Mystic Valley Parkway was on January 18, 2012, Case # 2001-79. The historical pump house renovation with 25 units was completed, but the approved new building with 35 units was not constructed as part of the development. The Somerville Housing Authority (SHA) is interested in completing the development and adding the new building with some revisions from the original design. This memo will elaborate on the design changes from the original and show that the proposed design has less height and density from the original.

The major changes consist of height reduction and density reduction. The footprint of the new building remains for the most part unchanged and its located in the same placement in the site plan as approved. The new proposed building still maintains a connection/entry from the 2<sup>nd</sup> floor down to the first floor in order to facilitate for senior coming down from the Capen Court building and not have to walk down the street, as they make their way down to other amenities or see friends

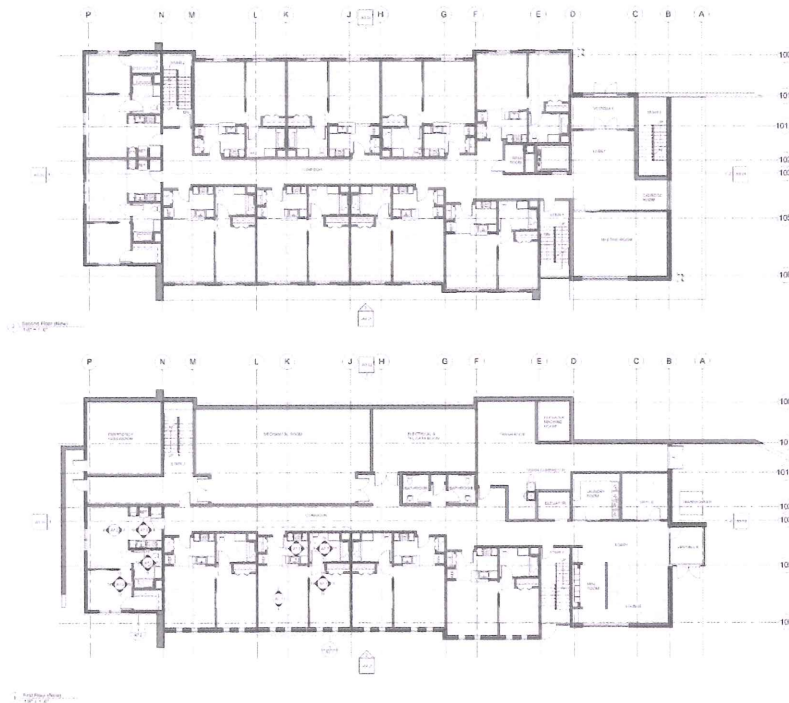
# DIMELLA SHAFFER

## 1. Footprint:

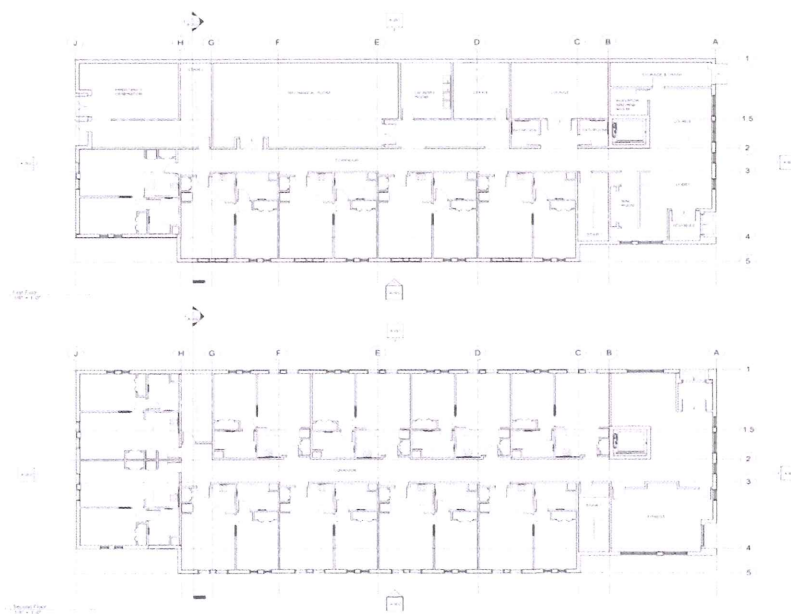


**2. Building Density:**

- a. The originally approve building contained 35 units, all 1-bedrooms. The proposed new building has 21 units, all 1-bedrooms.



**Original Plan**



**Proposed New Plan**



**3. Building Height/ Stories:**

- a. The originally approved building was 4 stories. The proposed new building is now only 3 stories.



4-Story Original



3-Story Proposed

DIMELLA  
SHAFFER

Sincerely,



Frank Valdes, AIA  
Associate Principal