



City of Somerville

PLANNING BOARD

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

DECISION

PROPERTY ADDRESS: 200 McGrath Hwy

2023 APR 14 A 10:51

CASE NUMBER: P&Z 22-097

OWNER/APPLICANT: US McGrath Owner LLC

OWNER ADDRESS: 31 Union Square, Somerville, MA 02143

CITY CLERK'S OFFICE
SOMERVILLE, MA

DECISION: Approved with Conditions (Master Plan Special Permit)

DATE OF VOTE: April 6, 2023

DECISION ISSUED: April 14, 2023

This decision summarizes the findings made by the Planning Board (the "Board") regarding the Master Plan Special Permit application submitted for 200 McGrath Hwy.

LEGAL NOTICE

US McGrath Owner, LLC proposes a Master Plan in the Union Square East sub-area of the Master Plan Development overlay district, which requires a Master Plan Special Permit; the proposal is for an approx. 3-acre site and includes two buildings totaling approx. 980,000SF and three thoroughfares.

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. Present and sitting at the public hearing were Board Members Chair Michael Capuano, Vice-Chair Amelia Aboff, Clerk Erin Geno, and Alternate Debbie Howitt Easton. Staff noted that the Applicant was still addressing compliance concerns. No discussion or review of the application occurred. The Board continued the public hearing.

On February 16, 2023, the Board resumed the public hearing. Present and sitting at the public hearing were Board Members Chair Michael Capuano, Vice-Chair Amelia Aboff, Jahan Habib, Michael McNeley, and Alternate Luc Schuster. The Applicant provided a presentation of the project, and PPZ Staff confirmed the project conforms with the zoning. The Board received public testimony, and multiple people spoke in support of the project and against the project. The Board asked about the level of community engagement for the project and the Applicant reviewed efforts to date and compliance with neighborhood meeting requirements. The Board continued the public hearing.

On March 2, 2023, the Board resumed the public hearing. Present and sitting at the public hearing were Board Members Chair Michael Capuano, Clerk Erin Geno, Jahan Habib, Michael McNeley, Alternate Debbie Howitt Easton, and Alternate Luc Schuster. Erin Geno and Debbie Howitt Easton were absent from the hearing on February 16,

2023, but submitted an affidavit confirming review of the evidence, and was able to participate in the discussion and decision. The Board reviewed mobility and traffic concerns with the Applicant and Mobility Division Staff. Chair Capuano noted a communication to the Board from City Councilor Ewen-Campen that noted neighborhood concerns and requested the Board continue the item until the Applicant has had the opportunity to address these concerns. The Board continued the public hearing.

On April 6, 2023, the Board resumed the public hearing. Present and sitting at the public hearing were Board Members Chair Michael Capuano, Clerk Erin Geno, Jahan Habib, and Michael McNeley. PPZ Staff were present and reviewed the meeting held between PPZ Staff and representatives of the neighborhood. PPZ Staff then reviewed the site constraints and how mobility and traffic concerns would be addressed, and how the relevant goals from the Union Square Neighborhood Plan were incorporated into the review. The Board continued to review the Application and how Site Plan Approval would be required for each future development on the site.

PLANS & DOCUMENTS

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

Document	Pages	Prepared By	Date	Revision Date
200 McGrath Highway: Master Plan Special Permit Application	964	US McGrath Owner, LLC 31 Union Square Somerville, MA 02143 VHB 99 High St, 10 th Floor Boston, MA 02110	September 30, 2022	N/A
200 McGrath Highway Gateway Innovation Center Master Plan Special Permit Application Supplemental Transportation Memorandum	16	VHB 99 High St, 10 th Floor Boston, MA 02110	February 6, 2023	N/A
[Revised] Transportation Access Plan Gateway Innovation Center 200 McGrath Highway Somerville, Massachusetts	31	VHB 99 High St, 10 th Floor Boston, MA 02110	January 24, 2023	N/A

MASTER PLAN SPECIAL PERMIT FINDINGS

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

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

The Board finds the proposal is compatible with the goals from SomerVision 2040, the City's Comprehensive Master Plan, including, but not limited to, the following:

- Invest in the growth of a resilient economic base that is centered around transit, generates a wide variety of job opportunities, creates an active daytime population, supports independent local businesses, and secures fiscal self-sufficiency.
- Promote a dynamic urban streetscape that embraces public transportation, reduces car dependence, and is accessible, inviting, and safe for all pedestrians, bicyclists, and transit riders.

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

The Board finds the proposal is compatible with the intent of the MPD overlay district, which is to "implement recommendations of SomerVision for transformational redevelopment," and to "implement design-based neighborhood and station area plans called for by SomerVision" including the Milk Square Area UDF adopted by the Planning Board.

The Board also finds the proposal is compatible with the general intent of the SZO, which includes, but is not limited to, the following:

- To ensure the development of a well-connected thoroughfare network, composed of direct and convenient routes that reinforce Somerville as a walkable, human-scaled urban environment.
- To discourage thoroughfares and intersections that limit connectivity, discourage walking, induce traffic congestion, and increase vehicular air pollutant emissions by reducing the number of possible routes of travel and adding unnecessary distance between destinations.
- To develop a comprehensive network of thoroughfares that accommodate multiple modes of transportation, organized in a hierarchy defined by the character of each type.
- To balance the supply of off-street parking with local thoroughfare network capacity.

3. The proposed alignment and connectivity of the thoroughfare network.

The Board finds the proposed alignment and connectivity of the thoroughfare network is appropriate. Thoroughfare 2 dead-ends at the MBTA tracks and Thoroughfare 3's exclusive purpose is to provide access to the parking structure. Thoroughfare 1 connects Medford St with Somerville Ave Ext, and is generally aligned with Poplar St when McGrath Hwy is grounded. Additional analysis during the Site Plan Approval process for Thoroughfare 1 may identify the need to shift the alignment somewhat to better connect to Medford St now and Poplar St in the future.

The Applicant has submitted analyses showing that the largest trucks anticipated to access this site (a WB-40) are able to make all required turns to access McGrath Hwy from Thoroughfare 2.

4. The gross floor area allocated to different use categories.

The Board finds the gross floor area allocated to the different uses proposed is appropriate. Forty-nine thousand (49,000) square feet will be reserved for uses from the Arts & Creative Enterprise (ACE) category, approximately 4,500 sf will be for retail, and the remaining 926,500 sf will be lab/R&D/office. This site is zoned exclusively for commercial uses.

5. Mitigation proposed to alleviate any adverse impacts on utility infrastructure.

The Board finds that the infrastructure improvements included in the proposed Master Plan do not create any adverse impacts on existing utilities.

6. Proposed development phasing.

Phase 1 includes the following:

- Construction of Building A
- Construction of Thoroughfare 1
- Construction of Thoroughfare 2
- Expansion of Somerville Ave Ext sidewalk
- Implementation of off-site transportation mitigation efforts along Somerville Ave Ext, Linwood St, Poplar St, Medford St, and Joy St

Phase 2 includes the following:

- Construction of Building B
- Construction of Thoroughfare 3
- Completion of all remaining site work

The Board finds that the proposed development phasing plan is reasonable. It prioritizes site improvements that will have the greatest implications for mobility planning and goals for the area. Within each phase, the Applicant has flexibility regarding the order of permitting and constructing project components.

7. Proposed on-street parking to address demand by customers of Retail Sales, Food & Beverage, or Commercial Services principal uses.

The Board finds that the proposal appropriately addresses on-street parking at this stage of permitting. No on-street parking is proposed on-site as part of this application. The Applicant proposes 16 parking spaces on Somerville Avenue Extension, which would require approval by the relevant City Departments and MassDOT to implement.

DECISION

Following public testimony, review of the submitted plans, and discussion of the statutorily required considerations, Chair Capuano moved to approve the Master Plan Special Permit for 200 McGrath Highway with the conditions included in the Staff Memoranda and addenda thereto. Erin Geno seconded. The Board voted **4-0** to approve the permit, subject to the following conditions:

Perpetual

1. This Decision certifies that development may proceed in accordance with the standards of the USQE sub area of the Master Planned Development overlay district and the superseding zoning districts specified on Map 8.3.18 (a) of the Somerville Zoning Ordinance.
2. Applying for any discretionary or administrative permit necessary for any proposed thoroughfare, civic space, or building type identified in the approved Master Plan constitutes substantial use of the MPSP for the purpose of subsequent development entitlement.
3. This Decision does not authorize any development of Lot C except for replatting the land in accordance with this Decision.
4. Changes to the number or general configuration of lots; the types of thoroughfares, civic spaces, or building types; development phasing; the commercial GFA or ACE space GFA is a major amendment to the approved Master Plan.
5. The property owner(s) and all applicable future tenants must comply with the Master Mobility Management Plan dated October 5, 2021, as approved and conditioned by the Director of Mobility's Final Approval dated April 13, 2022.
6. Development must comply with the Development Covenant by and between the City of Somerville and US McGrath Owner, LLC dated April 6, 2023, as amended.
7. Development must proceed as identified in Phase 1 (Section 1.10.1) and Phase 2 (Section 1.10.2) of the Application dated September 2022, and illustrated in Figure 1.15 of that Application.
8. If a period of one (1) year lapses between the Site Plan Approval required for any thoroughfare, civic space, or building types and the date of decision of the preceding Site Plan Approval for any thoroughfare, civic space, or building type in the same phase, the Applicant must update the Planning Board on the anticipated schedule of permitting and construction at the next regularly scheduled Planning Board meeting.
9. Except as approved in writing by the Director of Planning, Preservation, & Zoning, the Applicant may not apply for the development review of any thoroughfare, civic space, or building type in a succeeding phase until all thoroughfares, civic spaces, and building types are under construction for the preceding phase.
10. Except as approved in writing by the Director of Planning, Preservation, & Zoning, the Applicant may not apply for any Certificate of Occupancy for any

building in a succeeding phase until a Certificate of Occupancy has been issued for all buildings in the preceding phase.

11. The general alignment, connectivity, right-of-way width, and geometry of thoroughfares must be substantially equivalent to the thoroughfares shown in the approved Master Plan, unless otherwise conditioned by this Decision.
12. Land platting must result in a number and general configuration of lots and rights-of-way that is substantially equivalent to Sv-1 Preliminary Lotting Plan of the approved Master Plan and to the conditions of this Decision.
13. The Throughfare 1 right-of-way must be at least sixty-six feet (66') wide.
14. The Medford Street pump station and all connecting utilities should remain in their existing locations. If relocation of the pump station or any connecting utilities is necessary, the Applicant must reconstruct the system to current City standards.
15. Stormwater management systems must be located entirely under private property, and designed to not negatively impact utilities, infrastructure and landscape elements in the public way.
16. A maximum of 588 parking spaces or 0.6 spaces per 1,000 SF of commercial development is permitted, whichever is fewer.
17. All on-site and off-site sidewalk improvements constructed by the Applicant must be ADA compliant including, but not limited to, a minimum of a five-foot (5') wide accessible route and accessible curb ramps at all street crossings.
18. As voluntarily committed to in their Mobility Management Plan, the Applicant shall conduct annual reporting to track, assess, and report on the implementation of mobility management, to the specifications of the Director of Mobility.
19. Separate Mobility Management Plans and MMP Approval Letters from the Director of Mobility are required for the Site Plan Approval applications for Building A and Building B.
20. The Applicant must implement all mitigation strategies voluntarily committed to in the Transportation Impact Study dated January 2022 and submitted as part of this application, unless the Director of Mobility determines that a specific strategy is no longer relevant due to changes to thoroughfares planned by the City or State.

Prior to any Site Plan Approval application

21. This Decision must be recorded with the Middlesex South Registry of Deeds.
22. 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.
23. Digital copies of all development review submittal materials, permitted by the Planning Board, must be submitted to the Planning, Preservation, & Zoning Division for the public record.
24. Prior to the first Site Plan Approval application for a building or thoroughfare, the Applicant shall communicate relevant road and right-of-way improvements, including but not limited to sidewalks, cycle tracks, shared-use paths, and bicycle lanes, to MassDOT, and provide evidence of this communication and any necessary approvals from MassDOT to the Directors of Mobility and Engineering.

Prior to Site Plan Approval application for Thoroughfare 1

25. The Applicant must submit a conceptual study showing the alignment of Thoroughfare 1 and its relationships to Poplar and Medford Streets to the Director of Mobility, the Director of Engineering, and the Director of Planning, Preservation, and Zoning prior to applying for Site Plan Approval for Thoroughfare 1. Study scope must be reviewed and approved by the Director of Mobility, the Director of Engineering, and the Director of Planning, Preservation, and Zoning.
26. The Applicant must submit a grading study for Thoroughfare 1 and its connection with Medford Street to the Director of Engineering prior to applying for Site Plan Approval for Thoroughfare 1.
27. The Site Plan Approval application for Thoroughfare 1 must include evidence of an approved permit from MassDOT to allow vehicles to turn from Thoroughfare 1 onto the McGrath Highway southbound on-ramp.

Prior to any Foundation Permit, Building Permit, Thoroughfare (Streetscape Construction) Permit, or Civic Space Permit

28. US McGrath Owner, LLC must post a performance bond for 125% of the total estimated costs to design and construct all transportation impact mitigation prior to applying for any building permit, thoroughfare permit, or civic space permit for development subject to this MPSP decision.

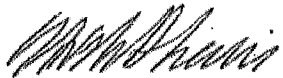
Prior to any Certificate of Occupancy

29. To mitigate transportation impacts, the project's frontage along Medford Street must be improved with, at least, a curb-separated bike lane. Final design must be approved by relevant City departments.
30. As voluntarily committed to in the Transportation Impact Study to mitigate transportation impacts, the Applicant must improve Medford Street along the property's frontage with, at least, a six-foot (6') walkway, a furnishing zone, and a planted frontage zone. Final design must be approved by relevant City departments.
31. As voluntarily committed to in the Transportation Impact Study to mitigate transportation impacts, the Applicant must improve Somerville Avenue Extension along the property's frontage with, at least, a two-way sidewalk-level cycle track. Final design must be approved by relevant City departments.
32. As voluntarily committed to in the Transportation Impact Study to mitigate transportation impacts, the Applicant must improve Somerville Avenue Extension between the edge of the property to the intersection with Linwood Street with, at least, a sidewalk-level shared-use path. Final design must be approved by relevant City departments.
33. As voluntarily committed to in the Transportation Impact Study to mitigate transportation impacts, the Applicant must improve, and potentially re-align, the intersection of Somerville Avenue Extension, Linwood Street, and Fitchburg Street to discourage vehicles from turning onto Fitchburg St. Final intersection

- design must be approved by the Directors of Planning, Preservation, & Zoning, Mobility, and Engineering.
34. To mitigate transportation impacts, Linwood Street between Somerville Avenue Extension and Poplar Street must be improved with, at least, sidewalks of up to twelve feet (12') wide on each side of the street and additional traffic calming elements to reduce vehicle speed and volume. Final design must be approved by relevant City departments.
 35. As voluntarily committed to in the Transportation Impact Study to mitigate transportation impacts, the intersection of Poplar Street and Linwood Street must be improved with, at least, wayfinding signage, extended curb to reduce crossing distances, restriped crosswalks, and new accessible curb ramps. Final design must be approved by relevant City departments.
 36. Following completion of construction, Thoroughfare 1 must be dedicated to the public by a covenant or other deed restriction or conveyed to the City of Somerville in accordance with Section 15.6.1 Land Conveyance. Satisfaction of this condition must be approved by the City Solicitor.
 37. The Applicant may not apply for or receive a Certificate of Occupancy for Building A until Thoroughfare 1 is operational, as determined by the Directors of Engineering and Mobility.
 38. Prior to the first Certificate of Occupancy, the Applicant must submit an evaluation of the structural integrity of the Medford Street retaining wall, including the portion under the MBTA overpass. The evaluation must be performed by a Structural Engineer currently licensed in Massachusetts.
 39. A written narrative or descriptive checklist identifying the completion or compliance with these conditions must be submitted to the Inspectional Services Department at least ten (10) working days in advance of a request for a final inspection.

Attest, by the Planning Board:

Michael Capuano, *Chair*
Erin Geno, *Clerk*
Jahan Habib
Michael McNeley



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.

Signed _____ City Clerk Date _____