

Middlesex South Registry of Deeds

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Middlesex South Registry of Deeds
Maria C. Curtatone, Register
208 Cambridge Street
Cambridge, MA 02141
617-679-6300
www.middlesexsouthregistry.com



City of Somerville

PLANNING BOARDCity Hall 3rd Floor, 93 Highland Avenue, Somerville MA 02143**DECISION**

2022 SEP 15 P 3:11

PROPERTY ADDRESS: 16 and 20 Medford Street
CASE NUMBER: P&Z 21-057
OWNER: Somerville Living, LLC
OWNER ADDRESS: PO Box 780, Lynnfield, MA 01940
DECISION: Approved with Conditions (Special Permit)
DECISION DATE: September 8, 2022

CITY CLERK'S OFFICE
SOMERVILLE, MA

This decision summarizes the findings made by the Planning Board (the "Board") regarding the Special Permit application submitted for 16 and 20 Medford Street.

LEGAL NOTICE

Somerville Living, LLC proposes to develop establish a Household Living principle use for 41 dwelling units in the Mid-Rise 4 (MR4) zoning district. This proposal requires a Special Permit.

RECORD OF PROCEEDINGS

On June 16, 2022, 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 Jahan Habib. The Applicant team provided a presentation on their proposed general building to the Board. After the presentation, the Chair opened public testimony. Public testimony received included comments regarding traffic concerns and trash pick-up at the site. After the public testimony portion of the hearing was closed, the Board expressed topics that they wanted to be addressed by the Applicant at a future meeting. Those matters included functionality of deliveries, safety considerations for pedestrians and cyclists, why the Applicant did not pursue a Special Permit for reduced parking, greater context into why the powerlines will not be undergrounded, and to address neighborhood concerns regarding traffic in the area. The Board continued the public hearing.

On August 4, 2022, 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, and Jahan Habib. The Applicant team provided a presentation on a revised plan set and responses to concerns raised by the Board at the previous hearing. After the presentation, the Chair discussed the new submission materials and that the Board was under the assumption that Staff did not have time to review these new documents. Staff responded by saying they were able to review the updated documents and that they have no additional concerns. After discussion between the Board and Staff, the Board had several questions for the Applicant team regarding the rear of the building. The Board discussed that the design of the rear should be further explored.

A TRUE COPY ATTEST:

CITY CLERK

The Board also asked for more information on why undergrounding of the powerlines was not feasible. The Board continued the hearing.

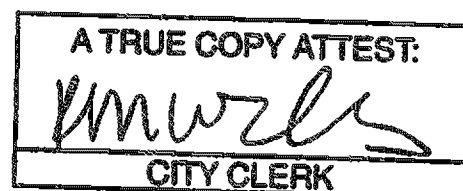
On August 18, 2022, the Board resumed the public hearing. Present and sitting at the public hearing were Board Members Chair Michael Capuano, Clerk Erin Geno, Jahan Habib, and Alternate Debbie Howitt Easton. The Applicant team went over updates to the building's rear wall design and provided more information on the overhead powerlines and why it is infeasible to underground them. The Board thanked the Applicant for addressing the Board's concerns regarding the rear facade design and for providing greater context into the powerlines around the site, and why undergrounding would not be possible. After discussion, the Board moved to approve the Site Plan Approval for the proposed general building. The motion to approve the Site Plan Approval application passed, as established in the previous Site Plan Approval decision for the property, filed with the City Clerk on August 26, 2022. Due to an insufficient quorum of the Planning Board members, a valid vote on the Special Permit application was unable to take place.

In light of the insufficient quorum and inability of the Planning Board to vote on the Special Permit at the August 18, 2022 meeting, the application for a Special Permit for a Household Living Use was readvertised for a separate hearing on September 8, 2022. Present and sitting at the September 8, 2022 public hearing were Board Members Chair Michael Capuano, Vice Chair Amelia Aboff, Clerk Erin Geno, Jahan Habib, and Alternate Debbie Howitt Easton. No public testimony was provided. Chair Capuano discussed that at the previous hearing there were not enough members present to hold a vote for the Special Permit, and that no new information has been submitted relative to the application. Vice Chair Amelia Aboff confirmed that, while she was absent from the August 18, 2022 hearing as it related to the application, she had reviewed all the evidence from that hearing and signed an affidavit attesting to such. Alternate Debbie Howitt Easton was absent from two meetings related to the application, and was not eligible to vote on the Special Permit. As there was a sufficient number of members at this hearing to make a motion on the Special Permit, the Board moved to approve the Special Permit.

PLANS & DOCUMENTS

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

Document	Pages	Prepared By	Date	Revision Date
16 and 20 Medford St Design and Development Narrative	2	Khalsa Design, Inc [17 Ivaloo St, Ste 4300, Somerville, MA 02143]	March 29, 2022	June ,3 2022
16 and 20 Medford St Architectural Plan Set	34	Khalsa Design, Inc [17 Ivaloo St, Ste 4300, Somerville, MA 02143]	March 29, 2022	June 3, 2022 July 29, 2022 August 11, 2022
16 and 20 Medford St Design Review Report	12	Khalsa Design, Inc [17 Ivaloo St, Ste 4300, Somerville, MA 02143]	March 29, 2022	n/a



Special Permit Decision

16 and 20 Medford Street (P&Z 21-057)

16 and 20 Medford St Neighborhood Meeting Report	6	Somerville Living, LLC [PO Box 780, Lynnfield, MA 01940]	Not provided	n/a
16 and 20 Medford St Certified Plot Plan	1	Design Consultants, LLC [120 Middlesex Ave, Ste 20, Somerville, MA 02145]	January 25, 2022	n/a
16 and 20 Medford St Plat of Land	1	Design Consultants, LLC [120 Middlesex Ave, Ste 20, Somerville, MA 02145]	January 25, 2022	n/a
16 and 20 Medford St Transportation Access Plan	22	Design Consultants, LLC [120 Middlesex Ave, Ste 20, Somerville, MA 02145]	February 2022	n/a
16 and 20 Medford St Transportation Impact Study	62	Design Consultants, LLC [120 Middlesex Ave, Ste 20, Somerville, MA 02145]	February 2022	n/a
16 and 20 Medford St Mobility Management Plan	63	Design Consultants, LLC [120 Middlesex Ave, Ste 20, Somerville, MA 02145]	October 2021	Approved by Mobility Division on January 28, 2022
16 and 20 Medford St Plant List	1	Khalsa Design, Inc [17 Ivaloo St, Ste 4300, Somerville, MA 02143]	May 13, 2022	May 16, 2022
16 and 20 Medford St Roof Deck Landscaping Plan	1	Khalsa Design, Inc [17 Ivaloo St, Ste 4300, Somerville, MA 02143]	May 13, 2022	May 16, 2022
16 and 20 Medford St Landscape and Green Score Plants	5	Verdant Landscape Architects	May 16, 2022	n/a
16 and 20 Medford St LEED Certifiability Documentation	8	Price Sustainability Associates [24 Walnut St, Maynard, MA 01754]	February 4, 2022	n/a
16 and 20 Medford St Sustainability & resilient Building Questionnaire	18	Price Sustainability Associates [24 Walnut St, Maynard, MA 01754]	Not provided	n/a

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:

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

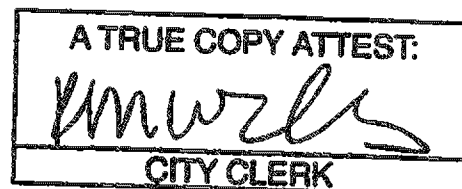
The Board finds that the proposal will help to achieve the following from SomerVision, the comprehensive Master Plan of the City of Somerville:

- Significantly increase housing stock to keep up with demand while pursuing the goals of increasing the proportion of affordable housing and housing stock diversity.

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

The Board finds that the proposal is consistent with the intent of the MR4 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 uses."

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



The Board finds that as conditioned, the proposal does not produce any impacts that require additional mitigation.

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

The Board finds that the development site is highly suitable for a residential use above a ground floor commercial space due to the project's location to the Boynton Yards neighborhood, one of the City's transform areas. The site's presence along a Pedestrian Street, and with the affiliated requirement to provide for an active use at the ground floor, makes it a good location for a general building, while the existing characteristics of the neighborhood make this location a less desirable to be strictly either a commercial or apartment building type.

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

The Board finds that this development proposal is able to meet the demand for dwelling units of various types, sizes, and bedroom counts. The proposal includes eighteen (18) 1-bedroom units, four (4) 1 bedroom + units, seventeen (17) 2-bedroom units, and three (3) 3-bedroom units. The distribution of units is consistent with the findings of studies conducted by MAPC which found that a dearth of one- and two-bedroom units contributes to the increased demand on larger units that could otherwise be utilized by families.

All three (3) of the 3-bedroom units will be ADU's, as required by the SZO, and the remaining five (5) required ADUs will be distributed among the other unit sizes.

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

There are no previously existing ADUs on the site.

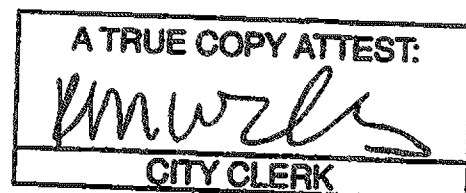
7. *The number of motor vehicle parking spaces proposed for development within a Transit Area.*

The property is not located within a Transit Area; therefore, the Board finds that this finding is not applicable to the proposal.

DECISION

Following public testimony, review of the submitted plans, and discussion of the statutorily required considerations, Chair Capuano moved to approve the Special Permit for a Household Living Use. Ms. Geno seconded. The Board voted 4-0 to approve the permit, subject to the following conditions:

Perpetual



1. This Decision must be recorded with the Middlesex South Registry of Deeds.
2. All 3-bedroom affordable dwelling units must comply with the Director of Housing's quality standards for 3-bedroom ADU's.
3. 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.
4. At least four (4) accessory vehicular parking spaces must be offered annually to all ADU households as a right of first refusal until each parking space is either rented or refused.
5. Formal acknowledgment that residents are ineligible for on-street Residential Parking Permits, subject to the regulations of the Somerville Traffic Commission, must be recorded with the Middlesex South Registry of Deeds.
6. Dwelling units must be advertised as ineligible for on-street Residential Parking Permits, subject to the regulations of the Somerville Traffic Commission.
7. 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. This decision must be recorded with the Middlesex South Registry of Deeds.
8. At least two (2) parking spaces must be reserved for loading and drop-off uses on the surface level parking area. The spaces should be regulated with signage with the following language:
 - o Loading Zone
 - Monday – Saturday
 - 8am-10pm
 - Commercial Plate 20 Min.
 - Passenger Plate 5 Min.

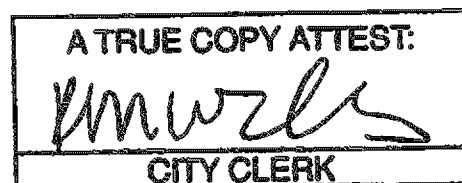
Prior to Certificate of Occupancy

9. An Affordable Housing Implementation Plan (AHIP) must be submitted to the Director of Housing.

Attest, by the Planning Board:

Michael Capuano, Chair
 Ameillia Aboff, Vice Chair
 Erin Geno, Clerk
 Jahan Habib


 Sarah Lewis, Director of Planning, Preservation, & Zoning
 Office of Strategic Planning & Community Development



Special Permit Decision

16 and 20 Medford Street (P&Z 21-057)

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 Sept 15, 2022 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

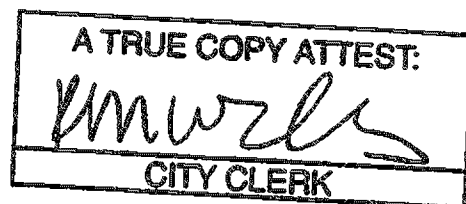
☐ there have been no appeals filed in the Office of the City Clerk, or
☐ there has been an appeal filed.

Signed

mmwzls

City Clerk

Date

OCT. 6, 2022



City of Somerville

PLANNING, PRESERVATION & ZONINGCity Hall 3rd Floor, 93 Highland Avenue, Somerville MA 02143

TO: Kimberly Wells, City Clerk
 FROM: Planning, Preservation & Zoning Division Staff
 DATE: September 26, 2022
 SUBJECT: Correction of Administrative Error

2022 SEP 26 P 3:59

CITY CLERK'S OFFICE
SOMERVILLE, MA

Address: 16-20 Medford Street

Case Number: P&Z 21-057 (Special Permit for a Household Living Use)

Decision Date: September 8, 2022

Date Filed with City Clerk: September 15, 2022

The decision for this property filed in the City Clerk's Office on the date referenced above contains administrative errors; conditions of approval that were not part of the vote and decision of the Planning Board were included in the written decision. The following conditions of approval were not part of the decision:

- Condition 5: Formal acknowledgment that resident[s] are ineligible for on-street Residential Parking Permits, subject to the regulations of the Somerville Traffic Commission, must be recorded with the Middlesex South Registry of Deeds.
- Condition 6: Dwelling units must be advertised as ineligible for on-street Residential Parking Permits, subject to the regulations of the Somerville Traffic Commission.
- Condition 7: 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. This decision must be recorded with the Middlesex South Registry of Deeds.

This memorandum serves to correct these administrative errors, and will be attached to the decision for purposes of filing and recording.

Sarah Lewis, Director of Planning, Preservation, & Zoning
 Office of Strategic Planning & Community Development

