



City of Somerville

PLANNING BOARD

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

DECISION

2023 JUN -6 A 9:00

PROPERTY ADDRESS: 51 Prospect Street
CASE NUMBER: P&Z 21-181
OWNER/APPLICANT: NSTAR Electric Company, d/b/a Eversource Energy
ADDRESS: 247 Station Drive, Westwood, MA 02090
DECISION: Approved with Conditions (Use Special Permit)
DATE OF VOTE: June 1, 2023
DECISION ISSUED: June 6, 2023

CITY CLERK'S OFFICE
SOMERVILLE, MA

This decision summarizes the findings made by the Planning Board (the "Board") regarding the Application for a Minor Utility Facility Special Permit submitted for 51 Prospect Street.

LEGAL NOTICE

Eversource Energy seeks to establish a Minor Utility Facility Use in the Commercial Core and Mid-Rise 4 zoning districts, which requires a Special Permit.

RECORD OF PROCEEDINGS

On May 4, 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 Vice-Chair Amelia Aboff, Jahan Habib, Michael McNeley, and Alternates Debbie Howitt Easton and Luc Schuster. Staff reviewed the history of the project, design evolution, and how this project plays a role with the future of Somerville's electrification efforts. The Applicant team then provided a presentation to the Board. After the presentation the Board and Staff clarified the purview of the Planning Board related to the proposal. After a brief discussion with Staff, the Board opened the public testimony portion of the hearing. Public testimony given was both in support and opposition of the project.

After the public testimony section of the hearing was closed, the Board went into discussion with the Applicant. Items discussed included an overview of the benefits of the proposed transformer, construction and mitigation, long-range planning/forecasting, noise generation, fencing and screening, landscaping, public art and related coordination. The Board requested that the Applicant to provide all native species in the landscaping and that the screening of the new transformer use full dimensional brick. The Board moved to continue the project to the May 18, 2023 Planning Board meeting.

On May 18, 2023, the Board continued the project without discussion to the June 1, 2023 Planning Board meeting. Present and sitting at the public hearing were Chair Michael Capuano, Vice-Chair Amelia Aboff, Clerk Erin Geno, Jahan Habib, Michael McNeley, and Alternate Luc Schuster. Chair Capuano and Clerk Geno were absent

from the hearing on May 4, 2023, but submitted affidavits confirming review of the evidence, and were able to participate in a decision.

On June 1, 2023, the Board resumed the public hearing. Present and sitting at the public hearing were Chair Michael Capuano, Vice-Chair Amelia Aboff, Clerk Erin Geno, Jahan Habib, Michael McNeley, and Alternates Debbie Howitt Easton and Luc Schuster. Chair Capuano and Clerk Geno restated that they submitted affidavits for missing the May 4, 2023 meeting, and were able to participate in the decision. Alternate Howitt Easton was absent from the May 18, 2023 meeting, but submitted an affidavit confirming review of the evidence, and was able to participate in the decision. The Applicant provided a presentation to the Board regarding follow-up items from the May 4, 2023 Planning Board meeting. The Board stated their appreciation for the Applicant's willingness to work the Somerville Arts Council on a process to solicit a local artist to install public art, the incorporation of all native species, and providing information on why full dimensional brick cannot be used on the entirety of the transformer screening. The Board went into discussion with the Applicant and Staff on several topics including maintenance and monitoring of the site and the project's relation to a possible future Green Line Extension. After discussion, the Board moved to approve the Special Permit.

PLANS & DOCUMENTS

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

Document	Pages	Prepared By	Date	Revision Date
51 Prospect Street Narrative	11	Eversource Energy, 247 Station Drive, Westwood, MA 02090	March 31, 2023	April 26, 2023
51 Prospect Street Plan Set	10	Beals + Thomas, 144 Turnpike Road, Southborough, MA 01772	December 1, 2021	March 29, 2023 April 26, 2023 Landscape Sheets revised on May 17, 2023
51 Prospect Street Renderings	7	RCM Technologies, Oakland, New Jersey	March 31, 2023	April 26, 2023
51 Prospect Street Abutting Context Analysis Narrative	2	Eversource Energy, 247 Station Drive, Westwood, MA 02090	March 31, 2023	n/a
51 Prospect Street First Neighborhood Meeting Report	30	Eversource Energy, 247 Station Drive, Westwood, MA 02090	March 31, 2023	n/a
51 Prospect Street Second Neighborhood Meeting Report	51	Eversource Energy, 247 Station Drive, Westwood, MA 02090	March 31, 2023	n/a
51 Prospect Street Third Neighborhood Meeting Report	26	Eversource Energy, 247 Station Drive, Westwood, MA 02090	April 13, 2023	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 this proposal is consistent with the values of SomerVision 2040, the City's Comprehensive Master Plan, including:

- 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.

As the City continues to develop, especially in the City's transform areas, there is a need for more energy infrastructure and sources. This proposed transformer will help bring more electricity to the City and region, which will help enable the continued commercial and residential development that is envisioned in SomerVision 2040. Further, the City is currently moving towards electrifying buildings, as the City is moving away from relying on fossil fuel energy sources, new transformers will be needed to help with this transition.

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."

The Board also finds that the proposal is consistent with the intent of the CC4 zoning district which is, in part, "[T]o create, maintain, and enhance areas appropriate for moderately-scaled single- and multi-use commercial buildings; neighborhood-, community-, and region-serving uses; and a wide variety of employment opportunities."

3. *Need for a facility at the proposed site taking into consideration the proximity of the area of service of the utility.*

The Board finds that there is a need for a facility at the proposed site. This substation provides regional energy services to both Somerville and East Cambridge. The addition of the third transformer at this site will be used to serve the continuing and future development of Union Square, Boynton Yards, and other major developments in the direct vicinity.

4. *Visual impact and quality of screening from abutting thoroughfares and surrounding properties.*

The Board finds that the visual impact and quality of screening from abutting thoroughfares and surrounding properties is sufficient. The proposed screening of the new transformer meets the screening requirements of SZO Section 10.7.4.b.ii relating to

all mechanical equipment needing to be screen to the height requital to or greater than the height of the mechanical equipment in need of screening. The proposed screening around the new substation will be made out of precast concrete panels and the height at the top of the wall will be thirty four (34) feet.

The Applicant also proposed screening around the entirety of the site voluntarily. The screening around the existing equipment will consist of a semi-opaque screening fence that will be approximately thirty eight (38) feet in height. All other fencing privacy fencing will be eight (8) feet in height, and will also be semi-opaque in materiality and color.

5. Impact and mitigation of offensive noise, vibration, smoke, dust or other particulate matter, heat, humidity, glare or other objectionable effects.

The Board finds that Applicant is providing proper elements to mitigate offensive noise, vibration, smoke, dust or other particulate matter, heat, humidity, glare, or other objectionable effects.

6. Location of access for servicing the facility.

The Board finds that the existing driveway and curb cut is a sufficient location for servicing the facility. The site will only be serviced on an as-needed-basis by Eversource employees.

DECISION

Following public testimony, review of the submitted plans, and discussion of the statutorily required considerations, Chair Capuano moved to approve the Special Permit authorizing a Minor Utility Facility principal use with conditions included in the staff memo(s). Vice-Chair Aboff seconded. The Board voted **5-0** to approve the permit, subject to the following conditions:

Perpetual

1. This Decision must be recorded with the Middlesex South Registry of Deeds.
2. An art installation must be incorporated onto the screening of the new transformer.
3. Existing equipment on the property must be cleaned and painted and cannot preclude the option to incorporate decorative lighting element. If applicable, a Lighting Plan must be submitted and reviewed by the Director of Planning, Preservation, & Zoning prior to installation.
4. Any tree proposed to be removed from any adjacent property by the Applicant must be coordinated with the property owner and all applicable permits must be sought.

Prior to Building Permit

5. One (1) digital copy of all required application materials reflecting any physical changes required by the Board, if applicable, must be submitted to the Planning,

Preservation, & Zoning Division for the public record. Materials must be submitted in accordance with the document format standards of relevant Submittal Requirements.

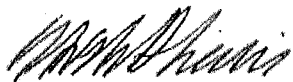
6. A copy of the recorded Decision stamped by the Middlesex South Registry of Deeds must be submitted to the Planning, Preservation, & Zoning Division for the public record.
7. The Applicants must work with the Somerville Arts Council on a process to solicit a local artist(s).
8. All architectural materials must be reviewed by the Director of Planning, Preservation, & Zoning.
9. Proposed public improvements to the public sidewalk along Prospect Street must be reviewed by relevant City Departments.

Prior to Final Inspection

10. 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.
11. The art installation must be installed.
12. All newly planted species must be inspected by PSUF.

Attest, by the Planning Board:

Michael Capuano, *Chair*
Amelia Aboff, *Vice-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 _____