



City of Somerville

## PLANNING BOARD

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

2023 SEP 29 A 8:35

### DECISION

**PROPERTY ADDRESS:** 394 McGrath Hwy  
**CASE NUMBER:** ZP23-000036  
**OWNER:** Ciania Holdings Ltd.  
**OWNER ADDRESS:** 1017 Brook Road, Milton, MA 02186  
**APPLICANT:** Sugarloaf Development  
**APPLICANT ADDRESS:** 1017 Brook Road, Milton, MA 02186  
**DECISION:** Approved with Conditions (Major Amendment to a Site Plan Approval)  
**DATE OF VOTE:** September 21, 2023  
**DECISION ISSUED:** September 28, 2023

CITY CLERK'S OFFICE  
SOMERVILLE, MA

This decision summarizes the findings made by the Planning Board (the "Board") regarding the Major Amendment to a Site Plan Approval application submitted for 394 McGrath Hwy.

### LEGAL NOTICE

Sugarloaf Development seeks a Major Amendment to a previously granted Site Plan Approval (P&Z 21-122) for an Apartment Building in the MR4 zoning district.

### RECORD OF PROCEEDINGS

On September 7, 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, Clerk Jahan Habib, Michael McNeley, and Alternate Luc Schuster. After opening the hearing, the Board continued the public hearing without discussion.

On September 21, 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 Jahan Habib, and Alternate Debbie Howitt Easton. Both Vice-Chair Amelia Aboff and Alternate Debbie Howitt Easton noted they were absent from the hearing on September 7, 2023, but submitted affidavits confirming review of the evidence, and were both able to participate in the decision. Khalsa Design, for the Applicant, provided a presentation summarizing the Application and proposed changes. The Board reviewed the application and affirmed they were supportive of the change, particularly to the parking and loading. The Board reviewed proposed conditions of approval related to parking and loading. The Board then discussed the location of the mail/package room and the benefits of moving the package room to the rear of the building. The Chair opened the public hearing to public testimony, and no one spoke for or against the application.

## PLANS & DOCUMENTS

Application plans, documents, and supporting materials submitted and incorporated are identified below. 2023 SEP 29 A 8:35

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| Document  | Pages | Prepared By  | Date              | Revision Date |
|---|-------|--|-------------------|---------------|
| 394 McGrath Hwy<br>Plan Revision Request Narrative                      | 1     | Khalsa Design<br>17 Ivaloo St, Suite 400<br>Somerville, MA 02143 | July 28, 2023     | N/A           |
| 394 McGrath Hwy<br>Site Plan, Building Plan, & Elevation<br>Comparisons | 4     | Khalsa Design<br>17 Ivaloo St, Suite 400<br>Somerville, MA 02143 | July 28, 2023     | N/A           |
| 394 McGrath Hwy<br>Architectural Plans & Elevations                     | 5     | Khalsa Design<br>17 Ivaloo St, Suite 400<br>Somerville, MA 02143 | February 22, 2023 | N/A           |
| 394 McGrath Hwy<br>Plan Revision Presentation                           | 14    | Khalsa Design<br>17 Ivaloo St, Suite 400<br>Somerville, MA 02143 | varies            | N/A           |

## 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:

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

The Board finds that the proposal continues to support the goals laid out in SomerVision 2040, the City's Comprehensive Master Plan, including the following:

- Facilitate transit-oriented, neighborhood infill development when it enhances the lively, human-scaled and walkable character of Somerville blocks and neighborhoods.

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

The Board finds that the proposal continues to be 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 commercial uses."

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

As conditioned, the Board finds that the proposal does not produce any impacts that require mitigation.

**DECISION**

Following public testimony, review of the submitted plans, and discussion, 2023 SEP 29 A 8:35  
 statutorily required considerations, Chair Michael Capuano moved to approve the Major  
 Amendment to a previously granted Site Plan Approval (P&Z 21-122) for an Apartment  
 Building in the MR4 zoning district with the conditions included in the staff report. CITY CLERK'S OFFICE  
 discussed at the hearing. Vice-Chair Amelia Aboff seconded. The Board voted 4-0 to  
 approve the permit, subject to the following conditions: SOMERVILLE, MA

**Perpetual**

1. Construction documents must be substantially equivalent to the approved plans and other materials submitted for development review.
2. Vehicular loading, delivery, pick-up, and drop-off activities are not permitted within the frontage of the property.
3. Dwelling units must be advertised as ineligible for on-street Residential Parking Permits, subject to the regulations of the Somerville Traffic Commission.
4. 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.

**Prior to Building Permit**

5. This Decision must be recorded with the Middlesex South Registry of Deeds.
6. If the Board requires any changes to the submitted plans, digital copies of all applicable application materials reflecting those changes 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.
7. A digital 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.
8. 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.
9. The Applicant must submit an updated Transportation Access Plan (TAP) to the Mobility Division prior to the issuance of a Building Permit. The TAP must reflect the updated Site Plan and provide a detailed loading and delivery plan.
10. The package room shall be relocated to the rear of the building.

**Prior to Certificate of Occupancy**

11. 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.
12. Permanent signage that establishes the prohibition of vehicular loading, delivery, pick-up, and drop-off activities must be installed prior to the issuance of a

Certificate of Occupancy. The design and location of such signage must be submitted to the Mobility Division for review and comment prior to installation.

13. Permanent barriers must be installed in the driveway area of the 2013 REP 29 A 8: 35  
vehicular entry and exit. This condition shall be considered moot if the curb cut is  
closed at the time of application for a Certificate of Occupancy.

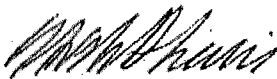
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The following condition of approval will be removed from the previously granted Site  
Plan Approval (P&Z 21-122), due to the fact that it is no longer relevant:

- At least [20% rounded up] 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 leased.

Attest, by the Planning Board:

Michael Capuano, *Chair*  
Amelia Aboff, *Vice-Chair*  
Jahan Habib, *Clerk*  
Debbie Howitt Easton, *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 2023 SEP 29 A 8:35

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. CITY CLERK'S OFFICE  
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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 \_\_\_\_\_