



City of Somerville

## PLANNING BOARD

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

### DECISION

2023 DEC -8 A 11: 02

**PROPERTY ADDRESS:** 32 Prospect Street  
**CASE NUMBER:** P&Z 23-064  
**OWNER:** Union Square Relp D2.2 Owner LLC  
**OWNER ADDRESS:** 31 Union Square, Somerville, MA 02143  
**APPLICANT:** Life Alive  
**APPLICANT ADDRESS:** 8 Stonegate Lane, Salem, NH 03079  
**DECISION:** Approved (Use Special Permit)  
**DATE OF VOTE:** December 7, 2023  
**DECISION ISSUED:** December 8, 2023

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 32 Prospect Street.

### LEGAL NOTICE

Life Alive seeks to establish a Formula Business principal use along a Pedestrian Street in the High Rise (HR) District, which requires a Special Permit.

### RECORD OF PROCEEDINGS

On November 16, 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 Vice-Chair Amelia Aboff, Jahan Habib, Michael McNeley, and Alternate Luc Schuster. The Applicant provided a presentation to the Board about their proposed business and interest in joining the Union Square neighborhood. After the presentation and a quick remark by Staff, Vice-Chair Aboff opened public testimony. Public testimony provided was in support of the application. After the oral public testimony section of the hearing was closed, the Board expressed support for the application and asked the Applicant about the employee recruitment process. After a brief discussion, Vice-Chair Aboff moved to continue the public hearing to the December 7, 2023 meeting.

On December 7, 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, Alternate Debbie Howitt Easton, and Alternate Luc Schuster. Members Chair Capuano and Alternate Howitt Easton were both absent from the hearing on November 16, 2023, but submitted affidavits confirming review of the evidence, and were able to participate in the decision. Chair Capuano made a brief statement that the Board supports the application and though it's a formula business, this proposal does not look or feel like a typical formula business. Following the brief comment, Chair Capuano moved to approve the Special Permit.

## PLANS & DOCUMENTS

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

2023 DEC -8 A 11:03

Document	Pages	Prepared By	Date	Revision Date
32 Prospect Street Floor Plans & Elevations	5	BKA Architects, 142 Crescent Street, Brockton. MA 02302	June 29, 2023	n/a
32 Prospect Street Narrative	1	Dpd Design Consultants, 50 Holt Road, Andover, MA 01810	September 6, 2023	n/a
32 Prospect Street Supplemental Narrative	2	Dpd Design Consultants, 50 Holt Road, Andover, MA 01810	September 29, 2023	n/a
32 Prospect Street Maps	1	Dpd Design Consultants, 50 Holt Road, Andover, MA 01810	September 7, 2023	n/a
32 Prospect Street Neighborhood Meting Report	1	Dpd Design Consultants, 50 Holt Road, Andover, MA 01810	August 22, 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 project supports the goals laid out in SomerVision 2040, the City's Comprehensive Master Plan, including 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.

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

The Board finds that the proposal meets the intent of the HR zoning district, which is, in part, "[T]o accommodate the development of areas appropriate for an intense mix of multi-story multi-unit, mixed-use, and commercial buildings; neighborhood-, community-, and region-serving uses; and a wide variety of employment opportunities."

3. *The existing concentration of Formula Businesses within the neighborhood.*

Multiple existing Formula Businesses are located within the vicinity of the proposed use. Most are located in east Union Square towards McGrath Hwy including Target, Starbucks, Burger King, T-Mobile, and Advance Auto Parts. Directly across the street from the proposal is an existing Dunkin Donuts.



4. *The availability of other similar uses and the maintenance of a diverse blend of uses within the neighborhood.*

The proposed Formula Business is a Life Alive Café, which serves organic whole food, including food and drinks. Union Square has numerous food and drink options including other Formula Business and local small business types.

5. *The compatibility of the proposed Formula Business with the existing architectural and aesthetic character of the neighborhood.*

The Formula Business is proposed to be located in a master planned general building as part of the transformational redevelopment of Union Square as planned in the Union Square Neighborhood Plan and approved US2 Consolidated Lot Special Permit. The proposed Formula Business is to be located on the ground story of the D2.2 general building.

The conditions prior to the master planned development consisted of industrial uses for many years. The proposed use is compatible with the planned ground floor retail of the general building, which will have residential on top. The proposed Formula Business plans to have outdoor seating, spilling into the complete Union Square Station Plaza Civic Space that is located along Prospect Street.

6. *The proposed uses contribution to the nationwide trend of standardized offerings that detracts from the uniqueness of Somerville's neighborhoods.*

The proposed use is a regional chain in the greater Boston area. The proposed use will have similar standardized offerings including food and drinks and seating arrangements. The Applicant is proposing this location to have its own unique attributes and will be adapted to the surrounding neighborhood.

7. *The existing non-residential vacancy rates within the neighborhood.*

The existing non-residential vacancy rate within the Union Square neighborhood is 4.3% using data surveyed from eighty-two (82) commercial properties. Economic development considers a six to eight percent (6-8%) vacancy rate for commercial markets as healthy and anything over 12 percent (12%) as high.

## 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 Formal Business principal use with the conditions included in the staff memo. 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. Approval is limited to Life Alive and is not transferrable to any successor in interest.

2023 DEC -8 A 11:03

Prior to Building Permit

3. Digital copies of all required application material 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.
4. 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.

Prior to Certificate of Occupancy

5. 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 final inspection.

Attest, by the Planning Board:

Michael Capuano, *Chair*  
Amelia Aboff, *Vice-Chair*  
Jahan Habib  
Michael McNeley  
Debbie Howitt Easton, *Alternate*  
Luc Schuster, *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 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 \_\_\_\_\_