



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

20 JUNE 2024 MEETING MINUTES

This meeting was conducted via remote participation via Zoom.

NAME	TITLE	STATUS	ARRIVED
Michael Capuano	Chair	<i>Present</i>	
Amelia Aboff	Vice Chair	<i>Present</i>	
Jahan Habib	Clerk	<i>Present</i>	
Michael McNeley	Member	<i>Present</i>	
Debbie Howitt Easton	Alternate	<i>Present</i>	
Luc Schuster	Alternate	<i>Absent</i>	

City staff present: Emily Hutchings (Planning, Preservation, & Zoning); Stephen Cary (Planning, Preservation, & Zoning)

The meeting was called to order at 6:04pm and adjourned at 8:07pm.

GENERAL BUSINESS: Meeting Minutes

Following a motion by Chair Capuano, seconded by Vice Chair Aboff, the Board voted unanimously (5-0) to approve the 16 May 2024 meeting minutes.

Following a motion by Chair Capuano, seconded by Vice Chair Aboff, the Board voted unanimously (5-0) to approve the 23 May 2024 meeting minutes, as revised.

PUBLIC HEARING: 290 Revolution Drive (ZP24-000024)
(continued from 6 June 2024)

Following a motion by Chair Capuano, seconded by Vice Chair Aboff, the Board voted unanimously (5-0) to continue this hearing to 18 July 2024.

RESULT:

CONTINUED

PUBLIC HEARING: 0 Kensington Avenue (ZP24-000045)

The applicant team explained that this proposal is for civic space on 0 Kensington Avenue for the 74 Middlesex Ave site. The civic space plus the building site is the development site for the Master Plan Special Permit purposes. There was also a Site Plan Approval (SPA) for the building and an SPA decision for the civic space. The civic space will create a new neighborhood park. It was developed in conjunction with the City of Somerville. Kensington Avenue will remain a public way, open to pedestrian travel and emergency vehicular use. 0 Middlesex Ave, which is an open space next to the public storage building, will be integrated with Kensington Ave to become a more meaningful neighborhood park. Site Plan Approval was issued for the civic space on 30 December 2021. Condition 2 required the applicant to create, in conjunction with the city, a land plat to establish a subdivided parcel for the

civic space within Kensington Ave. As Kensington Avenue is going to remain a public way, as is reflected in the SPA decision, subdividing it does not make sense. The proposal is to remove the condition that requires a plat to establish a subdivision of the street and replace it with a requirement for the applicant to enter into an easement and/or maintenance agreement with regard to the civic space whereby the applicant will have to maintain the civic space in perpetuity. This has always been the deal between the parties and was referenced in the Master Plan Special Permit as well. The proposed language to replace condition #2 states that the decision is subject to a maintenance and license and/or easement agreement, as determined by the discretion of the city, to be recorded with the Middlesex Registry of Deeds prior to receiving a final Certificate of Occupancy for 74 Middlesex Ave. The applicant is in the process of negotiating that document. The applicant is also looking to strike condition #5 that required the applicant to dedicate the space to public use, because it is already owned by the city, and the applicant will never have an ownership interest in either of the civic spaces.

Chair Capuano opened public testimony. Hearing no public testimony for or against, Chair Capuano closed public testimony.

The Board discussed this as an administrative application to allow the project to proceed in a streamlined fashion.

Following a motion by Chair Capuano, seconded by Vice Chair Aboff, the Board voted unanimously (5-0) to approve the Major Amendment to the previously issued Site Plan Approval (P&Z 21-023), for a civic space in the Assembly Square Mixed-Use District, with conditions as described in the Staff Memo, dated 12 June 2024.

RESULT:

APPROVED

PUBLIC HEARING: 350 Assembly Row (ZP24-000023)

(continued from 16 May 2024)

The applicant team explained that the proposal is for a two-year extension. This project was before the Board in the spring of 2022, when it received full approval for a lab life science building on Assembly Row. At this time, the building has been fully designed and money has been invested. The applicant fully intends on constructing the building and moving forward. There have been significant headwinds advancing new development in terms of construction costs and interest rates. The lab life science market has been especially challenged with record high vacancy rates. Unfortunately, right now, the project is not financially viable.

The Board asked why a two-year extension is being requested instead of the normal one-year extension. The applicant team explained that the zoning allows for a two-year extension.

Chair Capuano opened public testimony. Hearing no public testimony for or against, Chair Capuano closed public testimony.

Following a motion by Chair Capuano, seconded by Vice Chair Aboff, the Board voted unanimously (5-0) to approve, with the conditions laid out in the Staff Memo, the request to extend the validity of the previously issued Special Permit (P&Z 21-137) for a period of two years.

RESULT:

APPROVED

PUBLIC HEARING: 45 Mystic Avenue (P&Z 22-029)

(continued from 16 May 2024)

The applicant team explained that the proposal is for approval for a Master Plan Special Permit for an incubator laboratory building located at 45 Mystic Avenue and Assembly Point of Assembly Row. The building will feature a ground floor gallery and artisan studio, which is in line with the Assembly Point Micro District vision, as well as a loading garage with an internal turnaround area, and a LEED platinum certifiable designation. The revised proposal will be approximately 51,862 s.f. with a building height of 105' and will contain seven stories with an FAR of 6.0. The applicant team has continued to work with staff on this project in order to make the building a better fit for Assembly Point and Assembly Row, with the main goal of lowering the height from ten stories to seven.

The applicant team explained that one of the zoning requirements for the Assembly Square Mixed-Use District Master Plan Special Permit is to include 25% of the parcel as civic space. Together with staff, it was determined that pursuing a Hardship Variance to remove the civic space requirement from this proposal would ultimately be the best path forward. It was concluded that having a pocket park and a public space next to the heavily trafficked Mystic Avenue and Interstate 93 was inappropriate and deemed unsafe, both for building residents, and public use. The removal of the civic space allowed the applicant to utilize more of the parcel, thereby increasing the building footprint, and lowering the height of the building from ten stories to seven stories, making a better fit for the micro district that is Assembly Point. The applicant went before the Zoning Board of Appeal (ZBA) on 5 June and received the Hardship Variance for the removal of the civic space. The civic space will be replaced with a payment in-lieu.

The applicant team explained that they partnered with a company called Boston Lab Services for this project. The inception began in 2021, when the President of Boston Lab Services explained the lack of inventory for incubator lab space and the exorbitant rents that small biotech and pharmaceutical startups are seeing in the area. The intention is to create more space for these startup companies to foster growth in Somerville and, specifically, to create an innovation hub in Assembly Point.

The applicant team explained that this is an 8,640 s.f. lot with 90' of frontage. The front, rear, and side setbacks are allowed to be zero, although there is a 3' setback on the side.

Chair Capuano opened public testimony in favor of the project.

Pablo Picker (33 Mystic Ave) – spoke in support of the project. He was involved in the 2020 Master Plan process and believes this is a great area to express the vision of Assembly as a whole.

Hearing no additional public testimony for, Chair Capuano closed public testimony for this portion.

Chair Capuano opened public testimony against the project.

Tori Antonino (65 Boston Street) – read a memo that was signed by all members of the Urban Forestry Committee regarding heeding caution when accepting payments in-lieu. It is unlikely the funds will be adequate to purchase equal to what is lost in these exchanges. While some sites are not suitable for use as parks or civic spaces, any amount of green space, no matter how small, provides benefits that include cooling, natural reduction of stormwater runoff, biodiversity, and support for pollinators. The only way to cool the city is to get civic space and green space. When there is an opportunity to oblige a developer to build civic space and green space, the city is not at a luxury to say no. She requested a small park or pollinator corridor on this property. She noted that a green roof was not included on the plan, and there is a law for this.

Hearing no additional public testimony against, Chair Capuano closed public testimony.

The Board noted that the earlier iteration of this application did not have a recommendation from staff for conditional approval. Thus, the applicant was instructed by the Board to work with staff. The Board asked if staff has a recommendation at this time. Staff stated that a recommendation has not been provided for the most recent iteration either. Staff recognized that this application is compliant with zoning and that the applicant has worked

hard to become more consistent with the Assembly Square Plan. Staff still has some reservations that this simply may not meet all of the considerations and findings based on the current draft Assembly Square Plan and the goals for the Assembly Point Micro District. Staff decided that the Board would be best to make a determination without a recommendation from staff.

Staff explained that the Assembly Square Neighborhood Plan update is a year's long process which is nearly complete. The draft currently on SomerVoice since 2022 describes the Assembly Point Micro District as a smaller scale, commercial/industrial district with buildings four stories and below. It is reasonable to evaluate this application within the intent of the Assembly Square Neighborhood Plan, even if it has not been adopted yet.

The Board asked how many times the applicant has spoken with staff regarding the intent of the Micro District. The applicant team explained that they met with staff at least three times and were encouraged to move forward with this plan the last time they met with staff. The applicant team was taken aback that there was not a recommendation made by staff at this time. It is unclear if all partnership owners of this project are in agreement with the direction of the plan. It needs to be considered if four story buildings next to almost 30' of raised highway make sense, as three of the floors would be looking at a concrete wall. Multiple members of the ZBA recognized that there needs to be a buffer for the lower levels and less dense buildings in this district, due to pollutants from I-93. Taller buildings along Mystic Avenue will shield the rest of the Assembly Point District from those pollutants. To say that this area should only have four story buildings seems inappropriate.

The Board stated that, based on recent experience with life science and medical buildings, under the new building code requirements and to meet LEED Platinum, approximately 20% of gross FAR is usually in mechanical space. The Board asked where in the building this is planned for, as the plans shown only approximately 1/10th of what is likely required for mechanical space. The applicant team explained that that description is for a very different type of lab space than what this building is going to represent. This building is not heavy on life sciences or being used for chemicals. These businesses are using bench space to do small scale experimentation. They do not have the same mechanical and chemical needs as a much larger pharmaceutical or biotechnical company. There is a full basement, approximately 8,000 s.f., proposed for many of the mechanicals. A penthouse is also available. There will also be mechanical rooms on each floor.

The Board asked about the proposed 100' long, 3' wide corridor used for a bike storage room in the building. Alternate forms of ability is a big emphasis for the Neighborhood Plan. The applicant team explained that the intention is for cyclists to walk their bike into this area. The door could be further inset to give smoother access.

The Board asked how the applicant will address the location within the high outdoor heat exposure zone, without the civic space. The applicant team explained that light-colored pervious pavers will be used wherever possible. The roof of the building will be a white material to mitigate the urban heat island effect.

The Board expressed concern that the applicant is requesting a discretionary permit when there are other uses available on this site. If the applicant does not want to align with the goals of the area, there are other uses that could be considered. One Board member questioned the validity of the Hardship Variance, as there is a specific definition for what constitutes a hardship, and suggested that the ZBA may not have exercised its best judgement in this case. Not being able to fit what the applicant wants into a site without an exemption from the requirements for a discretionary process may not be a valid basis for a hardship. A major public benefit that is normally given as part of that process has been carved away by the ZBA. The applicant team stated that there are other opportunities to develop lower density projects on this parcel, but those would require other discretionary relief. A building 50,000 s.f. and above is part of the Master Plan Special Permit, and that is the zoning compliant path for this parcel.

The Board suggested that the applicant team work with staff to become in alignment with the district.

Following a motion by Chair Capuano, seconded by Vice Chair Aboff, the Board voted unanimously (5-0) to continue this hearing to 18 July 2024.

RESULT:

CONTINUED

The Board took a brief recess and reconvened at 7:26pm.

PUBLIC HEARING: 17-27 Holland Street (P&Z 22-025)

(continued from 6 June 2024)

The applicant team stated that the company's goal is to hire a diverse and local workforce. The company will reach out to the community to create a pipeline of training and employment for those in this area who have been disadvantaged by the previous culture of enforcement of regulations and laws regarding the war on drugs. Regarding security, additional cameras are proposed for the interior and exterior, along with panic buttons. There will also be access control monitoring for employees and alarm systems. In terms of loitering around the premises, the person in the vestibule will watch this closely. The applicant will continue to offer the General Manager's phone number to the neighborhood, in case its needed. Regarding littering around the facility, the person in the security booth will also walk around the facility, creating a log to monitor this. The applicant team discussed the potential saturation of this use. This type of use is allowed in commercial areas which is a significantly lower percentage of the overall area in Somerville, so groupings will occur. This company is an economic empowerment applicant, which has been given greater leeway in approvals by the city. In November of 2022, the legislature mandated that communities promote and encourage the full participation in the industry by people from communities disproportionately impacted. Two of the nearby similar businesses are multi-state or international brands. These are big companies with a large footprint, whereas GreenSoul is a smaller, local company. Regarding the loading zones, the TAP was revised to address comments from the Board to show a loading zone at the end of Winter Street and one on Holland Street.

The Board asked about the concentration of similar use businesses in the Davis Square area. Staff explained that the city currently has a moratorium on additional host agreements for cannabis retailers in place until May of 2025. This is to allow for a saturation study to evaluate whether the city can hold and support additional retailers. 14 host agreements have been signed so far, and six of these are currently open. The vast majority of these are economic empowerment applicants. All of these applicants are highly qualified candidates. Staff is in support of this applicant, as the evaluation of cannabis retail continues. A grant has been applied for to complete the saturation study. Results should be available by the end of the next fiscal year.

The Board noted that, regarding the list of adult use marijuana establishments and when the license works were given, this applicant was approved in round 2 and the city is now in round 11. It would seem unfair to withhold approval for this applicant, given that they were one of the earlier applicants that was ever approved. The applicant team explained that the city process changed after approval was given. The bureaucracy of this process has taken a long time, but the rent has continued to be paid and the applicant team has continued to push forward.

Staff stated that there were two questions posed at the last hearing. One regarding whether the conditions were easily enforceable, and ISD has confirmed they have no concerns about the conditions as written. The other was whether there were any police reports or concerns based on existing cannabis retailers that have been opened, and staff has confirmed that there have not been any significant numbers of reports related to the cannabis retailers.

Following a motion by Chair Capuano, seconded by Vice Chair Aboff, the Board voted unanimously (5-0) to approve, with the conditions outlined in the Staff Memo and as supplemented during the meeting by the

comments made by the Board, the requested Special Permit to establish a cannabis retail sales use in the Mid-Rise 4 district.

RESULT:

APPROVED

NOTICE: These minutes constitute a summary of the votes and key discussions at this meeting. To review a full recording, please contact the Planning, Preservation & Zoning Division at planningboard@somervillema.gov.