



City of Somerville

PLANNING BOARD

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

DECISION

2024 NOV 25 P 3:12

PROPERTY ADDRESS: 35 McGrath Highway
CASE NUMBER: ZP24-000049
OWNER: Lohnes Paul R & Lavery Jr C R Trs
OWNER ADDRESS: 75 Cambridge Parkway, Cambridge, MA 02142
APPLICANT: 35 McGrath Highway Realty Trust
APPLICANT ADDRESS: 75 Cambridge Parkway, Cambridge, MA 02142
DECISION: Approved with Conditions (Site Plan Approval)
DATE OF VOTE: November 21, 2024
DECISION ISSUED: November 25, 2024

CITY CLERK'S OFFICE
SOMERVILLE, MA

This decision summarizes the findings made by the Planning Board (the "Board") regarding the Site Plan Approval application submitted for 35 McGrath Highway.

LEGAL NOTICE

35 McGrath Highway Realty Trust proposes to develop a nine (9)-story Lab Building in the High Rise (HR) district, which requires Site Plan Approval.

RECORD OF PROCEEDINGS

On November 7, 2024, 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, Jahan Habib, Michael McNeley, Lynn Richards, and Alternate Luc Shuster. The applicant provided a presentation to the Board. After the presentation by the Board, Chair Capuano opened the public testimony portion of the hearing. Public testimony included comments supporting the native plantings proposed, difficulties crossing McGrath Hwy, suggestions to add a café on the ground floor, handicap parking, snow removal, the use of the building's terraces/balconies, vibrations caused by trains, and the economic viability of the project. After the closing of the public testimony portion of the hearing, the Board went into discussion with the applicant. Discussion items included concerns regarding the state of the lab market in the region and other empty lab buildings in the City, the feasibility of the building to be converted to a different use in the future, flood risk, and traffic pattern during the construction of the building. The Board continued the public hearing to the November 21, 2024 meeting.

On November 21, 2024, the Board resumed the public hearing. Present and sitting at the public hearing were Board Members Chair Michael Capuano, Jahan Habib, Michael McNeley, Lynn Richards, and Alternate Luc Shuster. The Board asked the applicant questions around the handling of hazardous materials on site, additional safety processes that will be conducted and how those processes will work, level of lab proposed for the spaces, traffic issues associated with McGrath Hwy and the nearby

plaza, and an overview of the variances that needed to be sought for this proposal. After a brief question and answer with the applicant, the Board moved to approve the Site Plan Approval.

PLANS & DOCUMENTS

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

Document	Pages	Prepared By	Date	Revision Date
35 McGrath Hwy Narrative	23	Stantec, 40 Water Street, Boston, MA 02109	October 3, 2023	n/a
35 McGrath Hwy Architectural Plans	53	Stantec, 40 Water Street, Boston, MA 02109	December 20, 2023	July 31, 2024
35 McGrath Hwy Shadow Studies	7	Stantec, 40 Water Street, Boston, MA 02109	October 3, 2023	n/a
35 McGrath Hwy Solar Reflection Detailed Analysis	42	RWDI, 600 Southgate Drive, Guelph, Ontario, N1G 4P6	June 26, 2023	n/a
35 McGrath Hwy Pedestrian Wind Study	26	RWDI, 600 Southgate Drive, Guelph, Ontario, N1G 4P6	June 19, 2023	n/a
35 McGrath Hwy Site and Landscape Plans	17	Stantec, 40 Water Street, Boston, MA 02109	January 5, 2024	August 7, 2024
35 McGrath Hwy Mobility Management Plan	20	Howard Stein Hudson	February 2023	August 2024
35 McGrath Hwy Transportation Access Plan	11	Howard Stein Hudson	August 2023	August 2024
35 McGrath Hwy Transportation Impact Study	394	Howard Stein Hudson	October 3, 2023	n/a
35 McGrath Hwy Sustainable and Resilient Building Questionnaire	20	Ken McClure, 231 Washington Street, Salem, MA 01970	May 22, 2023	n/a
35 McGrath Hwy LEED V4 (BD + C) For Core & Shell Supporting Narrative	9	Harry Flamm, Stantec, 40 Water Street, Boston, MA 02109	May 17, 2023	

SITE PLAN APPROVAL FINDINGS

In accordance with the Somerville Zoning Ordinance, the Board approved the Site Plan Approval upon making findings considering, 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:

- Build a sustainable future through climate leadership [and] balanced transportation [...].

- Promote a dynamic urban streetscape that embraces public transportation, reduces car dependence, and is accessible, inviting, and safe for all pedestrians, bicyclists, and transit riders.
- 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.
- Minimize the overall land use in Somerville dedicated to personal vehicles while encouraging alternative modes

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

The Board finds that this project supports the intent of the HR zoning district 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."

The Board finds that this project supports the intent of the wider zoning ordinance, including the following:

- To increase commercial tax base in support of the fiscal health of the City.
- To capture a fiscal return on investments made in transportation infrastructure by locating higher intensity development, employment opportunities, and a broad mix of uses along major corridors and within walking distance of transit stops.
- To preserve and enhance the design of Somerville's public realm.
- To encourage the use of public transportation, bicycling, and walking in lieu of motor vehicle use when a choice of travel mode exists.
- To require a strong connection and gradual transition between the public realm (sidewalks, thoroughfares, and civic spaces and private real (yards and building interiors).

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

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

DECISION

Following public testimony, review of the submitted plans, and discussion of the statutorily required considerations, Chair Capuano moved to approve the **Site Plan Approval** to develop a nine (9)-story Lab Building in the High Rise (HR) district with the conditions included in the staff memo. Clerk Habib 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. The maximum parking ratio for this proposal must be no greater than 0.6 spaces/1,000 square feet.
3. The underground parking garage must be operated as a Commercial Parking facility principle use.
4. The commercial parking facility must have a parking access and revenue control system to manage vehicular access and collect parking revenues from patrons.
5. An annual report, including documentation of any changes to the layout plan or operations plan of the parking facility, must be submitted to the Mobility Division to validate continued compliance with the Somerville Zoning Ordinance, this Decision, and the Director of Mobility's standards for monitoring and annual reporting.
6. A sign must be provided near the vehicular entrance to the parking structure or lot that identifies, at minimum, the number of spaces available in real time.
7. Utility meters are not permitted on any facade or within the frontage area of the lot.
8. Electrical transformers and other mechanical equipment are not permitted above ground within the frontage area of any lot.
9. The property owner(s) and applicable future tenants must comply with the Mobility Management Plan dated July 13, 2023, as approved and conditioned by the Director of Mobility.

Prior to Building Permit

10. 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.
11. 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.
12. Construction documents must be substantially equivalent to the approved plans and other materials submitted for development review.
13. Material specifications from suppliers must be submitted to confirm fenestration glazing is compliant with the VLT and VLR ratings required by the Somerville Zoning Ordinance.
14. An outdoor lighting plan and supplier cut sheet specifications of chosen lighting fixtures must be submitted to confirm compliance with Section 10.7 Outdoor Lighting of the Somerville Zoning Ordinance. The site photometric plan must include a keyed site plan identifying the location of all luminaires; total site lumen limit table (calculations from the SZO); lighting fixture schedule indicating the fixture type, description, lamp type, lumens, color temperature, color rendering index, BUG rating, mounting height, and wattage of all luminaires; and notation of any timing devices used to control the hours set for illumination.
15. A layout plan identifying all parking access and revenue control features for the parking facility must be submitted to the Director of Mobility for approval.

16. All Stage 2 documentation required by the Office of Sustainability & Environment's LEED Certifiability Requirements.
17. The driveway must be redesigned so that the width and curb radii are reduced to accommodate a SU-30 design vehicle. Final design must be approved by relevant City Departments.
18. To mitigate transportation impacts, a new signalized intersection must be constructed at the site driveway between Rufo Road and the Squires Bridge consistent with the approved Transportation Access Plan. Final design must be approved by relevant City Departments and State Agencies.
19. To mitigate transportation impacts, a new curb extension and separated bicycle facility must be constructed in the northbound direction between Rufo Road and Squires Bridge consistent with the approved Transportation Access Plan. Final Design must be approved by relevant City Departments and State Agencies.
20. To mitigate transportation impacts, a new curb extension and separated bicycle facility must be constructed in the southbound direction between Squires Bridge and Rufo Road consistent with the approved Transportation Access Plan. Final design must be approved by relevant City Departments and State Agencies.
21. To mitigate transportation impacts, a busy shelter with a bench, electric heater, and next-bus arrival electronic-sign must be installed along the McGrath Highway frontage. Final design must be approved by relevant City Departments and State Agencies.

Prior to Certificate of Occupancy

22. A written narrative or descriptive checklist identifying the completion or compliance with permit conditions must be to the Inspectional Services Department at least ten (10) working days in advance of a request for a final inspection.
23. A covenant or other deed restriction agreeing to pay the jobs linkage fee must be executed and recorded with the Middlesex South Registry of Deeds or filed with the Land Registration Office. Final deed restriction language must be approved by the Economic Development Division and City Solicitor.
24. A covenant or other deed restriction agreeing to pay the housing linkage fee must be executed and recorded with the Middlesex South Registry of Deeds or filed with the Land Registration Office. Final deed restriction language must be approved by the Economic Development Division and City Solicitor.
25. A public right-of-way or pedestrian access easement must be provided in perpetuity by a covenant or other deed restriction for the full area of the sidewalk provided within the frontage area of the lot. Final easement language must be approved by the City Solicitor. The easement must be recorded at the Middlesex Registry of Deeds.
26. The initial operations plan for the Commercial Parking facility identifying, at least, the type and pricing of various passes, rates, and fees must be submitted to the Director of Mobility.
27. All Stage 3 documentation required by the Office of Sustainability & Environment's LEED Certifiability Requirements.

Attest, by the Planning Board:

Michael Capuano, *Chair*
Jahan Habib, *Clerk*
Michael McNeley
Lynn Richards
Luc Schuster, *Alternate*

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 _____