

Middlesex South Registry of Deeds

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Middlesex South Registry of Deeds
Maria C. Curtatone, Register
208 Cambridge Street
Cambridge, MA 02141
617-679-6300
www.middlesexsouthregistry.com



City of Somerville

PLANNING BOARDCity Hall 3rd Floor, 93 Highland Avenue, Somerville, MA 02143**DECISION**

PROPERTY ADDRESS: 50 Webster Avenue
CASE NUMBER: P&Z 22-067
OWNER: US Union Square D3.1 Owner LLC
OWNER ADDRESS: 31 Union Square, Somerville, MA 02143
DECISION: Approved with Conditions (Subdivision Plan Approval)
DECISION DATE: August 12, 2022

This decision summarizes the findings made by the Planning Board (the "Board") regarding the Subdivision Plan Approval application submitted for 50 Webster Avenue.

LEGAL NOTICE

US Union Square D3.1 Owner LLC seeks a subdivision in the HR zoning district, which requires Subdivision Plan Approval.

RECORD OF PROCEEDINGS

On August 4, 2022, 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 Erin Geno, and Jahan Habib. The Applicant provided a presentation and described the proposed subdivision of the property at 50 Webster Avenue, which would create a building lot, a civic space lot, and a thoroughfare lot. The Chair then allowed for public testimony, but none was given. The Board then reviewed the application and confirmed that the proposed subdivision complies with the Comprehensive Development Special Permit (CDSP), which governs the site. Staff provided draft condition language for the Board.

PLANS & DOCUMENTS

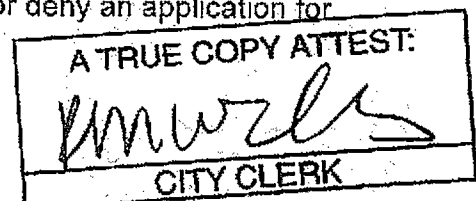
Application plans, documents, and supporting materials submitted and reviewed are identified below.

Document	Pages	Prepared By	Date	Revision Date
50 Webster Avenue Subdivision Worksheet	2	DGT Associates Survey & Engineering 803 Summer Street, 1 st Floor Boston, MA 02127	February 15, 2022	July 5, 2022

SUBDIVISION PLAN APPROVAL FINDINGS

Due to having been submitted under the approved Union Square CDSP (Case #PB2017-21), this Subdivision Plan Approval application is governed by the Somerville Zoning Ordinance §5.4 – Design and Site Plan Review in effect on December 14, 2017. In accordance with that section, the Board may approve or deny an application for

**Title Reference: Deed recorded
in Book 78105, Page 280**



Design and Site Plan Review (in this case defined as a Subdivision Plan Approval) upon making findings considering, at least, each of the following:

1. *Compliance with the standards of §5.4 Design & Site Plan Review:*

- a. *The adopted comprehensive Master Plan of the City of Somerville, existing policy plans and standards established by the City, or to other plans to be deemed appropriate by the Planning Board.*

The Board finds that this project supports the goals laid out in SomerVision 2040, the City's Comprehensive Master Plan. Specific goals and objectives that will be accomplished include 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 (SomerVision 2040). This subdivision will facilitate commercial development that will bring jobs to a site directly adjacent to an MBTA Green Line Extension stop.
- Add jobs and encourage more commercial development (SomerVision 2040, Union Square Revitalization Plan). This subdivision will facilitate commercial development that will bring life science and related jobs to Somerville.
- Reduce demand for parking and personal vehicle use (SomerVision 2040). This subdivision will facilitate the transit-oriented development directly adjacent to an MBTA Green Line Extension stop, and will encourage walking, biking, and transit use.

b. *The purpose of this Ordinance in general.*

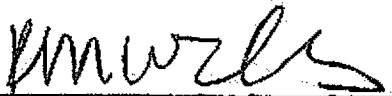
The Board finds that the proposed subdivision is consistent with the purpose of the Somerville Zoning Ordinance, including encouraging the most appropriate use of land throughout the City.

c. *The purpose of the district where the property is located.*

The Board finds that the proposal is consistent with the intent of the HR zoning district which is, in part, "[t]o accommodate neighborhood-, community-, and regional-serving uses." The proposal is also consistent with the intent of the Union Square overlay district, which is in part, to permit the development of multiple lots including buildings, civic spaces, and thoroughfares as identified in the master plan.

d. *Considerations indicated elsewhere in this Ordinance for the required Design and Site Plan Review.*

The Board finds that the proposed subdivision is consistent with the additional review criteria cited below.

<p>A TRUE COPY ATTEST:</p> <p></p> <p>CITY CLERK</p>	2
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2. *Consistency with the approved Coordinated Development Special Permit and any previously approved Special Permits, as applicable.*

The Board finds that the proposed subdivision is consistent with the Coordinated Development Special Permit. The CDSP Decision (Case #PB2017-21) was approved with conditions on December 14, 2017. The proposal is consistent with the conditions of the CDSP, including the following:

- Per Condition #3, the lots are being platted in a form substantially consistent with the Block and Lot Key Plan dated 11-07-2017 of the CDSP Application materials.
- Per Condition #13, the Applicant is seeking approval of the subdivision of lots via Subdivision Plan Approval (stated in the Decision as Design and Site Plan Review).

3. *Consistency with the 2012 Union Square Revitalization Plan and the 2016 Union Square Neighborhood Plan, as amended.*

The Board finds that the proposed subdivision is consistent with the 2012 Union Square Revitalization Plan and the 2016 Union Square Neighborhood Plan. Specific goals and objectives that will be accomplished include the following:

- Parcel division that will allow the development of open space, a commercial building with ground-floor retail, and an alley to facilitate rear access and loading for 50 Webster and adjacent parcels (Union Square Neighborhood Plan).
- Create a street network that gives access with blocks appropriately designed for commercial buildings...[and] open space (Union Square Neighborhood Plan).
- To create high quality open space that is inviting to users of Union Square and allows residents, workers and visitors to enjoy the parks, plazas, cafes, and community events (Union Square Revitalization Plan).

4. *Conformance with all applicable provisions of [the] Ordinance.*

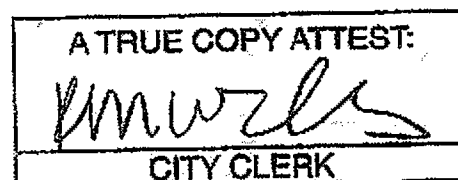
The Board finds that the proposed subdivision is conforming with the applicable provisions of the Somerville Zoning Ordinance and Union Square Overlay District. Specifically, the Applicant has met the requirements for the permitting review process and neighborhood scale and dimensional standards for lots.

DECISION

Following public testimony, review of the submitted plans, and discussion of the statutorily required considerations, Chair Capuano moved to approve the Subdivision Plan Approval. Clerk Geno seconded. The Board voted 3-0 to approve the permit, subject to the following conditions:

Permit Validity

1. This Decision and endorsed final subdivision plat must be recorded with the Middlesex South Registry of Deeds.

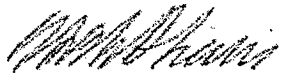


Land Plat Documentation and Public Record

2. Final subdivision plat created for recording must be substantially equivalent to the approved preliminary plat plan.
3. Prior to the issuance of any building permit or other permit authorizing construction on any of the new lots created by this subdivision, one (1) digital and one (1) physical copy of the recorded Decision and final subdivision plat stamped by the Middlesex South Registry of Deeds must be submitted to the Planning, Preservation, & Zoning Division for the public record.

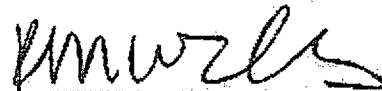
Attest, by the Planning Board:

Michael Capuano, *Chair*
Erin Geno, *Clerk*
Jahan Habib



Sarah Lewis, Director of Planning, Preservation, & Zoning
Office of Strategic Planning & Community Development

A TRUE COPY ATTEST:



CITY CLERK

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.

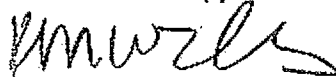
FOR SPECIAL PERMIT(S) WITHIN

_____ 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

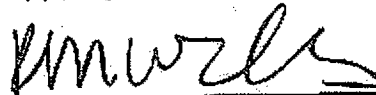


City Clerk

Date

9/23/22

A TRUE COPY ATTEST:



CITY CLERK



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September 23, 2022
BY HAND DELIVERY

Somerville City Hall
93 Highland Ave.
1st Floor, City Clerk's Office
Somerville, MA 02143
Attention: Kimberly Wells, City Clerk

Re: P&Z 22-067: Webster Ave 50 (Subdivision)

Kimberly:

Our firm represents US Union Square D3.1 Owner LLC, the owner of 50 Webster Avenue in Somerville, Massachusetts. It is our understanding that the appeal period for P&Z 22-067: Webster Ave 50 (Subdivision) has closed, and no appeal of the decision has been filed. Please provide a certified copy of the decision for recording with the Middlesex South Registry of Deeds to the carrier of this letter. A check in the amount of \$15.00 is enclosed.

Thank you for your assistance in this matter. Please call me at 617-513-9569 with any questions.

Sincerely,

A handwritten signature in black ink, appearing to read 'Nancy Hunter Welsh'.

Nancy Hunter Welsh