



City of Somerville

# PLANNING BOARD

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

**TO:** Planning Board  
**FROM:** OSPCD Staff  
**SUBJECT:** 33 Mystic Avenue, ZP24-000114, ZP24-000115, ZP24-000121, ZP24-000122, and ZP24-000123  
**POSTED:** February 28, 2025

**RECOMMENDATION:** Approve with Conditions (SPA)  
Approve with Conditions (SP Waivers)

Staff memos are used to communicate background information, analysis, responses to public comments, review of statutory requirements and other information from Planning, Preservation, & Zoning Staff to the Review Board members.

This memo summarizes the development review application(s) submitted for 33 Mystic Avenue, identifies any additional discretionary or administrative development review that is required by the Somerville Zoning Ordinance, and provides related analysis or feedback as necessary. The applications were deemed complete on January 17, 2025, and are scheduled for public hearings on March 20, 2025. Any Staff recommended findings, conditions, and decisions in this memo are based on the information available to date prior to any public comment at the scheduled public hearing.

## LEGAL NOTICES

### ZP24-000114

Stellamoon LLC proposes to develop a six (6) story general building in the Assembly Square Mixed-Use district, which requires Site Plan Approval.

### ZP24-000115

Stellamoon LLC seeks a waiver from the lot area dimensional standard in the Assembly Square Mixed-Use district, which requires a Special Permit.

### ZP24-000121

Stellamoon LLC seeks a waiver from the floor area ratio (FAR) dimensional standard in the Assembly Square Mixed-Use district, which requires a Special Permit.

### ZP24-000122

Stellamoon LLC seeks a waiver from the building height dimensional standard in the Assembly Square Mixed-Use district, which requires a Special Permit.

### ZP24-000123

Stellamoon LLC seeks a waiver from the lot area per dwelling unit dimensional standard in the Assembly Square Mixed-Use district, which requires a Special Permit.

## SUMMARY OF PROPOSAL

Stellamoon LLC is proposing to construct a six (6) story general building. The proposed development will produce 593 square feet of commercial space, eight (8) dwelling units of which one (1) will be an affordable unit, no motor vehicle parking spaces, eight (8) long-term bicycle parking spaces, and four (4) short-term bicycle parking spaces.

## BACKGROUND

33 Mystic Avenue is located in the 0.5mi Transit Area in the Assembly Square Mixed-Use (ASMD) zoning district in the Assembly Square neighborhood represented by Ward 1 Councilor Matthew McLaughlin. Establishing a new principal building in the ASMD district over ten thousand (10,000) and up to fifty thousand (50,000) requires Site Plan Approval. Site Plan Approval is the administrative review and approval of conforming development to address any potential impacts as necessary. The Planning Board is the decision-making authority for all (non-variance) discretionary or administrative permits required for the ASMD zoning district.

## NEIGHBORHOOD MEETINGS

The first neighborhood meeting was hosted by Ward 1 Councilor Matthew McLaughlin and the applicant on March 19, 2024, via the Zoom meeting platform. A second neighborhood meeting was hosted by Ward 1 Councilor Matthew McLaughlin and the applicant on October 23, 2024.

## DESIGN REVIEW

The proposal was reviewed by the Somerville Urban Design Commission via the Zoom meeting platform on August 13, 2024, and September 10, 2024. The Commission provided its official recommendation on September 24, 2024.

## ANALYSIS

The applicant is proposing to develop a 1,737 square feet parcel of land into a six (6) story general building totaling 11,911 square feet with upper story residential and ground floor commercial space. The proposed development will produce eight (8) residential dwelling units of which one (1) will be an affordable unit and 593 square feet of ground floor commercial space. The residential portion of the building will be comprised of three (3) studio units, three (3) one-bedroom units, and two (2) two-bedroom units. The applicant does not specify in their narrative or other application documents what the ground floor commercial space use will be. As proposed, this Site Plan Approval (SPA) application **is only compliant** with the standards of the ASMD district if the four (4) requested Special Permits for waivers from the requirements of 7.4.7 are **approved** by the Planning Board. The table below is from the building plans submitted as part of the application and notes which requirements need waivers.

| Zoning Analysis                               |                                                                             |                     |                                                                                |
|-----------------------------------------------|-----------------------------------------------------------------------------|---------------------|--------------------------------------------------------------------------------|
| Zoning Code                                   | Somerville Zoning Ordinance                                                 |                     |                                                                                |
| Zoning District                               | Assembly Square Mixed-Use (ASMD), SZO 7.4                                   |                     |                                                                                |
| Map                                           | Zoning Map Sheet 12                                                         |                     |                                                                                |
| Use                                           | Residential Household Living with Ground Floor Retail                       |                     |                                                                                |
| Permit Path                                   | Site Plan Approval by Planning Board with Special Permits by Planning Board |                     |                                                                                |
| Dimensional Standards for 10,000 - 50,000 GFA |                                                                             |                     |                                                                                |
| Description                                   | Requirement                                                                 | Proposed            | Notes                                                                          |
| Lot Standards                                 |                                                                             |                     |                                                                                |
| Lot Area                                      | 10,000 sf min                                                               | 1,737 sf (Existing) | Special Permit Required<br>No lot area minimum for projects over 50,000 GFA    |
| Open Space                                    | 25%                                                                         | 25%                 |                                                                                |
| Building Standards                            |                                                                             |                     |                                                                                |
| Floor Area Ratio (max)                        | 2.0                                                                         | 7.0                 | Special Permit Required<br>FAR 10.0 allowed for projects over 50,000 GFA       |
| Building Height (max)                         | 50 ft                                                                       | 69'-11 1/2"         | Special Permit Required<br>125 ft allowed for projects over 50,000 GFA         |
| Density                                       |                                                                             |                     |                                                                                |
| Lot Area / Dwelling Unit 1-9 Units            | 600                                                                         | 217                 | Special Permit Required<br>No density requirement for projects over 50,000 GFA |
| Required Affordable Dwelling Units (ADUs)     |                                                                             |                     |                                                                                |
| Total Dwelling Units                          | 0                                                                           | 8                   |                                                                                |
| Required ADUs                                 | 20% of units                                                                | 1.6                 | 1 affordable unit on-site<br>0.6 unit buyout                                   |

The planning framework for this area of Assembly Square (ASQ) can be viewed through two (2) lenses at this time. One (1) through the currently adopted ASQ Plan adopted in 2000 (2000 ASQ Plan) and the current draft plan for ASQ (draft ASQ Plan) that is slated for review by the Planning Board in the upcoming future. These plans envision different development outcomes for the "Assembly Point" subdistrict of ASQ.

The 2000 Assembly Square Master Plan (ASQ Plan) aims to encourage a diverse mix of land uses within the "Assembly Point" sub-district. The plan prioritized large-scale developments with attached parking structures. While building heights and stories were intended to vary, the plan also emphasized coordinated development efforts. To achieve this, the ASQ Plan called for consolidating lots and buildings to create larger floorplates and improve vehicular and pedestrian connections.

The current draft ASQ Plan envisions the Assembly Point "Micro-District" as a vibrant hub for arts and crafts, maker spaces, and local restaurants, featuring pedestrian-focused shared streets and new or refurbished buildings to create a unique and lively destination. The building heights in this section of Assembly are envisioned to be six (6) stories or lower and most of the land use make up (60%) as commercial uses. Development of this area could be done through the consolidation of parcels into larger footprint buildings or individual property owners developing on their own but coordinating together to achieve the shared vision of this part of the neighborhood.

### Mobility

The applicant is not proposing any off-street vehicular parking. A bike room will be located on the ground floor that will accommodate eight (8) bikes. Short-term bike parking will be provided outside that will accommodate four (4) short-term bike parking spaces. The primary building entrance will be off of north Union Street. This entry will access both the residential units and the commercial space on the ground floor. However, the main entry door will open up to a small lobby space where there will be separate entry doors for the residential units and commercial space. The Mobility Division does not have any concerns regarding this application but have recommended a condition that the applicant coordinate with City Staff to finalize regulations for the proposed loading zone.

### Building

The applicant intends to construct an all-electric building and pursue the Passive House certification. The building will have a rooftop garden “green roof” that will be both a benefit to achieving City goals around sustainability/green space and an amenity space for the building tenants.

As stated above, for this project to be compliant, several waivers from the dimensional standards of the ASMD district are being sought by the applicant. Staff do not have any concerns about the waivers the applicant is seeking. The current dimensional standards for the ASMD district are a direct outcome of the 2000 ASQ Plan, which calls for large footprint development and specific dimensional requirements. The current draft ASQ plan will likely revise the current ASMD zoning to create regulations that are more closely aligned with the goals of the draft plan. Staff believe the proposal meet the goals of the Assembly Point Micro-District as envision in the draft ASQ Plan from a design, massing, and programming perspective.

### Site Design & Landscaping

The proposal includes changes to the public realm around the site including widening the sidewalks on Mystic Ave and N. Union Street including new street trees, benches, and planters. The applicant intends to use native species and pollinators for the planters.

The Public Space and Urban Forestry (PSUF) Division recommends that, although Green Score is not a requirement in this district, the board should impose a condition that the development complies with Somerville’s Green Score standards, as is required for all other developments in the city. This area currently has a significant shortage of green space, and both Somervision 2040 and the Urban Forestry Master Plan identify it as a priority for increased greenery and tree canopy.

Furthermore, any trees planted within the right-of-way must be coordinated with the Urban Forestry team to assess potential utility conflicts, confirm their exact locations,

and select appropriate species. Staff ask that the applicant engage with PSUF to initiate discussions regarding these trees during subsequent permitting processes.

Lastly, regarding the location of trash receptacles on the N. Union Street sidewalk, it is essential that all trash bins be stored and maintained within the property boundaries and screened from public view. The applicant's floor plans indicate that the trash receptacles will be kept in the basement of the building and only taken out to the street (N. Union) on trash day.

The Economic Development Division has reviewed the applications and believes that the proposed project will positively impact the area by:

- Activating ground floor spaces with retail and create a more inviting street presence.
- Improving the building's design to better integrate with the surrounding area.
- Enhancing commercial activity by improving access and visibility for businesses.

Overall, the Economic Development Division supports the project and has no objections to the current proposal.

## **CONSIDERATIONS & FINDINGS**

The Planning Board is required by the Somerville Zoning Ordinance to deliberate each of the following considerations at the public hearing. The Board must discuss and draw conclusions for each consideration but may make additional findings beyond this minimum statutory requirement.

### Site Plan Approval and Special Permit Considerations

1. The comprehensive plan and existing policy plans and standards established by the City.
2. The intent of the zoning district where the property is located.

### Site Plan Approval Considerations

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

### Special Permit Considerations

4. Consistency with the ASQ Plan.

Information relating to the required considerations is provided below:

### Site Plan Approval and Special Permit

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

Staff believes that this project supports the goals laid out in SomerVision 2040, the City's Comprehensive Master Plan, including the following:

- 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.
- Significantly increase housing stock to keep up with demand while pursuing the goals of increasing the proportion of affordable housing and housing stock diversity.
- 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.*

Staff believe that this project meets the intent of the ASMD zoning district, which is, in part: “To redevelop underutilized areas within close walking distance to the Assembly Square T-station with mixed-use, mid-rise and high-rise, transit-oriented development that will support the transformation of Assembly Square into an urban commerce center.”

Staff also believe that this project meets the intent of the SZO overall, including the following:

- To develop and maintain complete, mixed-use, walkable, transit-oriented, and environmentally sustainable neighborhoods that foster a strong sense of community throughout the city.
- To provide a range of housing types, unit sizes, and price points to accommodate the diverse household sizes and life stages of Somerville residents at all income levels.

Site Plan Approval Specific

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

Staff believe that, as conditioned, the proposal does not create any impacts which require further mitigation.

Special Permit Specific

*4. Consistency with the ASQ Plan.*

Staff believe that this proposal is consistent with the 2000 ASQ Plan, especially around mixed-use development.

Staff also believe that this proposal is consistent with the draft ASQ Plan specifically around strategic infill development lining around 6-stories in height along the main street with green roofs and widening the street for pedestrianization.

**PERMIT CONDITIONS**

Should the Board approve the required Site Plan Approval for the 6-story general building, Planning, Preservation & Zoning Staff recommend the following conditions:

#### Permit Validity

1. This Decision must be recorded with the Middlesex South Registry of Deeds.
2. 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. Material must be submitted in accordance with the document format standards of relevant Submittal Requirements.
3. 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.

#### Public Record

4. 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.

#### Mobility

5. The applicant must finalize regulations for the proposed loading zone with relevant City Departments, prior to Certificate of Occupancy.

#### Site & Building Design

6. The site must meet the minimum Green Score for a general building in an MR6 zoning district. Green Score documentation must be reviewed and approved by the Public Space and Urban Forestry Division prior to applying for a Building Permit.
7. Utility and mechanical equipment is not permitted on any façade 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. A Digital Massing Model of only the building's massing, in SketchUp format (.skp), that is to scale and properly geo-located and oriented for use in place and viewing the project within the City's digital model of existing buildings in the city must be submitted to the Planning, Preservation, & Zoning Division prior to the issuance of a Building Permit. The model should be the main massing only and should not include any detailed architectural features of the proposed building, including building components or materiality.
10. Frontage areas provided for a widened sidewalk along Mystic Avenue and North Union Streets must be designed and paved to properly correspond with any sidewalk improvements approved within the public right-of-way.
11. A physical mock-up of the building shall be submitted to the Urban Design Commission for review and comment prior to applying for a Building Permit.

12. A detailed materials palette shall be submitted to the Urban Design Commission for review and comment prior to applying for a Building Permit.

#### Housing

13. A deed restriction limiting the sale or rental of all affordable dwelling units to eligible households in perpetuity must be executed and recorded with the Middlesex South Registry of Deeds.
14. An affordable housing implementation plan (AHIP) must be submitted to the Director of Housing for review and approval prior to applying for a Building Permit.

#### Parking

15. Dwelling units must be advertised as ineligible for on-street Residential Parking Permits, subject to the regulations of the Somerville Traffic Commission.
16. 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.

#### Maintenance

17. The property owner is responsible for all of the regular and long-term maintenance, replacement, insurance, and other applicable costs associated with all on-site sidewalk improvements.

#### Legal Agreements

18. 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.

#### Construction Documents

19. Construction documents must be substantially equivalent to the approved plans and other materials submitted for development review.
20. 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.
21. An outdoor lighting plan and supplier cut sheet specifications of chosen lighting fixtures must be submitted to confirm compliance with Section 10.6 Outdoor Lighting of the Somerville Zoning Ordinance. The site photometric plan must include a keyed site plan identifying the location of all luminaries; 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 luminaries; and notation of any timing devices used to control the hour set for illumination.

Should the Board approve the required Special Permit to waive the minimum lot area requirement in the ASMD district, Planning, Preservation & Zoning Staff recommend the following conditions:

Permit Validity

1. This Decision must be recorded with the Middlesex South Registry of Deeds.
2. 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.

Public Record

3. 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.
4. 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.

Dimensional Standards

5. The minimum lot area permitted is 1,737 Square Feet.

Should the Board approve the required Special Permit to waive the maximum floor area ratio requirement in the ASMD district, Planning, Preservation & Zoning Staff recommend the following conditions:

Permit Validity

1. This Decision must be recorded with the Middlesex South Registry of Deeds.
2. 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.

Public Record

3. 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.
4. 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.

Dimensional Standards

5. The maximum Floor Area Ratio permitted is 7.0.

Should the Board approve the required Special Permit to waive the maximum building height requirement in the ASMD district, Planning, Preservation & Zoning Staff recommends the following conditions:

#### Permit Validity

1. This Decision must be recorded with the Middlesex South Registry of Deeds.
2. 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.

#### Public Record

3. 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.
4. 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.

#### Dimensional Standards

5. The maximum building height permitted is 69'-11 1/2".

Should the Board approve the required Special Permit to waive the maximum minimum lot area per dwelling unit requirement in the ASMD district, Planning, Preservation & Zoning Staff recommend the following conditions:

#### Permit Validity

1. This Decision must be recorded with the Middlesex South Registry of Deeds.
2. 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.

#### Public Record

3. 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.
4. 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.

#### Dimensional Standards

5. The minimum lot area per dwelling unit permitted is 217 Square Feet.