



City of Somerville

PLANNING BOARD

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

DECISION

PROPERTY ADDRESS: 199 Elm Street
CASE NUMBER: ZP25-000066
OWNER: Wisdom Publications
OWNER ADDRESS: 199 Elm St, Somerville, MA 02143
APPLICANT: Picker Construction/Pablo Picker
APPLICANT ADDRESS: 15 Paul Gore St, Jamaica Plain MA 02130
DECISION: Approved with Conditions (Special Permit for Mechanical Equipment)
DATE OF VOTE: August 21, 2025
DECISION ISSUED: September 3, 2025

2025 SEP - 3 P 1:50
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 199 Elm Street.

LEGAL NOTICE

Picker Construction seeks to construct a mechanical penthouse that exceeds the maximum height in the MR4 District, which requires a Special Permit.

RECORD OF PROCEEDINGS

On August 7, 2025, 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, Vice-Chair Amelia Aboff, Clerk Jahan Habib, Michael McNeley, Lynn Richards. The applicant gave a brief presentation on the project. Chair Capuano opened the public testimony portion of the hearing. One neighbor spoke about the trash conditions of the new building. At the hearing, the board discussed the unit count and unit sizes, the opportunity for public art, and the transformer location. The Board continued the public hearing to the August 21, 2025 meeting.

On August 21, 2025, the Board resumed the public hearing. Present and sitting at the public hearing were Board Members Chair Michael Capuano, Clerk Jahan Habib, Michael McNeley, Lynn Richards, and Alternate Luc Schuster. Alternate Luc Schuster was absent from the hearing on August 7, 2025, but submitted an affidavit confirming review of the evidence, and was able to participate in the decision. The applicant presented updated plans accounting for the Board's comments from the August 7th meeting. There was no public comment, and the public comment portion of the hearing was closed. The board discussed the changes and asked for updates on their feedback from the August 7, 2025 hearing. The board then moved to approve the application with conditions.

PLANS & DOCUMENTS

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

Document	Pages	Prepared By	Date	Revision Date
ElmSt199_ZP25-000066_SitePlan	1	Neighbor Architects LLC 32R Essex St Cambridge, MA 02139	March 12, 2025	n/a
ElmSt199_ZP25-000066_Narrative	28	Neighbor Architects LLC 32R Essex St Cambridge, MA 02139	March 12, 2025	n/a
ElmSt199_ZP25-000066_BuildingPlans	16	Neighbor Architects LLC 32R Essex St Cambridge, MA 02139	March 12, 2025	June 9, 2025
ElmSt199_ZP25-000066_ShadowStudy	9	Neighbor Architects LLC 32R Essex St Cambridge, MA 02139	March 12, 2025	n/a
ElmSt199_ZP25-000066_UDCRecommendation	4	Neighbor Architects LLC 32R Essex St Cambridge, MA 02139	May 13, 2025	n/a
ElmSt199_ZP25-000066_NeighborhoodMeetingReports	56	Neighbor Architects LLC 32R Essex St Cambridge, MA 02139	March 12, 2025	n/a
ElmSt199_ZP25-000066_LandscapePlan	5	Ground Inc. 285 Washington St Somerville, MA 02143	May 15, 2025	n/a
ElmSt199_ZP25-000066_TAP	14	Howard Stein Hudson 11 Beacon St Suite 1010 Boston, MA 02108	May 2025	n/a
ElmSt199_ZP25-000066_Sustainability_Documents	19	Pablo Picker & Shelley Cates 33 Mystic Ave Somerville, MA 02145	March 12, 2025	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 the project supports the comprehensive plan and existing policy plans and standards established by the City, including the following:

- Encourage more commercial development.
- Prioritize walking, biking, and transit options and minimize space dedicated to personal vehicles.
- Increase the housing supply.

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

The Board finds that the proposed project meets the intent of the MR4 zoning district is which in part: "To create, maintain, and enhance areas appropriate for smaller scale, multi-use and mixed-use buildings and neighborhood serving commercial uses."

The Board finds that this project meets the broader intent of the Somerville Zoning Ordinance, 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 day.
- 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.
- To preserve and enhance the design of Somerville's public realm.

3. Visual impact and aesthetic quality of the proposed screening or penthouse.

The Board finds that the proposed screening reduces the visual impact and aesthetic quality of the mechanical penthouse.

4. Efforts to reduce any net shadows cast upon neighboring lots and structures.

The Board finds that as located and designed, the mechanical penthouse will have a minimal impact on the shadows cast by the building.

5. Ventilation and air handling techniques to reduce the emission of odor or exhaust toward neighboring lots and structures.

The Board finds that the ventilation and air handling techniques will reduce the impact on neighboring lots and structures.

6. Sound attenuation measures or operational procedures to mitigate potential noise impacts to neighboring lots and structures.

The Board finds that the mechanical equipment will mitigate noise for the residents using the outdoor space on the rooftop and neighboring lots and structures.

DECISION

Following public testimony, review of the submitted plans, and discussion of the statutorily required considerations, Chair Michael Capuano moved to approve the Special Permit to construct a mechanical penthouse that exceeds the maximum height in the MR4 District with the conditions included in the staff memo dated July 29, 2025 and discussed at the hearing. Jahan Habib seconded. The Board voted **5-0** to **approve** the **Special Permit**, subject to the following conditions:

General

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

Prior to Building Permit

2. A copy of the recorded Decision by the Middlesex South Registry of Deeds must be submitted to the Planning, Preservation, and Zoning Division for the public record.
3. Digital copies of all required application materials reflecting any physical changes required by the Board, if applicable, must be submitted to the Planning, Preservation, and Zoning Division for the public record. Materials must be submitted in accordance with the document format standards of relevant Submittal Requirements.

Prior to Certificate of Occupancy

4. 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.

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 _____