

PLANNING BOARD

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

DECISION

2023 AUG 15 P 2:51

PROPERTY ADDRESS: 366 Broadway
CASE NUMBER: P&Z 21-175
OWNER: 366 Broadway LLC
OWNER ADDRESS: 200 Broadway, Lynnfield, MA 01940
APPLICANT: 366 Broadway Somerville, LLC
APPLICANT ADDRESS: 29 Crenshaw Lane, Andover, MA 01810
DECISION: Approved with Conditions (Site Plan Approval)
 Approved (Special Permit)
DATE OF VOTE: August 3, 2023
DECISION ISSUED: August 15, 2023

CITY CLERK'S OFFICE
SOMERVILLE, MA

This decision summarizes the findings made by the Planning Board (the “Board”) regarding the application for Site Plan Approval and a Special Permit submitted for 366 Broadway.

LEGAL NOTICE

366 Broadway Somerville, LLC proposes to develop a four (4)-story LEED Gold and Net-Zero Ready apartment building and establish a Household Living principle use for 58 dwelling units in the Mid-Rise 4 (MR4) zoning district. This proposal requires Site Plan Approval and one (1) Special Permit for Household Living.

RECORD OF PROCEEDINGS

On July 20, 2023, 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 Erin Geno, Jahan Habib, Michael McNeley, and Alternates Debbie Howitt Easton and Luc Schuster. The Applicant provided a presentation to the Board. After the presentation by the Applicant, the Chair called for any public testimony. Public testimony provided included, but not limited to, comments regarding the dwelling unit mix, why ground floor retail was not pursued, and why the specific building type was chosen. After the Chair closed the public testimony portion of the hearing, the Board went into discussion. Items discussed included the unit mix and why more studio and 1-bedroom units were proposed rather than more family-sized units. The Board discussed if larger bike stalls could be considered to allow for cargo style bikes, and potential design revisions of the Thurston Street façade. The Board suggested that the Applicant team considered an alternative plan set that has more family-sized units. The Applicant agreed to provide revised plans incorporating the Board's suggestions and the Board continued the public hearing.

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Deed Reference Book 79439 Pg 125

On August 3, 2023, the Board resumed the public hearing. Present and sitting at the public hearing were Board Members Chair Michael Capuano, Vice-Chair Amelia Aboff, Jahan Habib, Michael McNeley, and Alternate Luc Schuster. The Applicant presented an alternative plan set that had incorporated suggestions from the previous Planning Board meeting including an increase in the number of family sized units and decrease in studios and 1-bedroom units. After a brief presentation by the Applicant, the Board discussed the revised unit mix, loss in number of affordable dwelling units and if the Applicant would be comfortable with a condition that would require signage that directs drivers to the loading and unloading area. The Board requested that the original façade design be used (as shown in the plan set dated March 24, 2023), rather than the proposed alternative. The Board also proposed a condition for loading/unloading signage. After discussion between the Board, Applicant and Staff, the Board voted to approve the application.

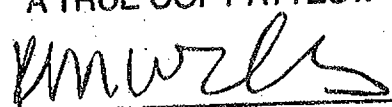
PLANS & DOCUMENTS

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

Document	Pages	Prepared By	Date	Revision Date
366 Broadway Development Review Set	38	Khalsa Design, 17 Ivaloo Street, Ste 400, Somerville, MA 02143	January 13, 2023	March 24, 2023
366 Broadway Design/Development Narrative	2	Khalsa Design, 17 Ivaloo Street, Ste 400, Somerville, MA 02143	February 7, 2023	n/a
366 Broadway Topographic Plan of Land	1	DGT Associates, 803 Summer Street, 1 st floor, Boston, MA 02127	January 16, 2023	n/a
366 Broadway Transportation Access Site Plans	5	GM2 Associates	September 2022	n/a
366 Broadway Approved Mobility Management Plan	4	Director of Mobility, Mobility Division of the City of Somerville Office of Strategic planning & Community Development	September 6, 2022	n/a
366 Broadway Neighborhood Meeting Report	3	McDermott Quilty & Miller, LLP	January 13, 2023	n/a
366 Broadway Design Review Report	10	Khalsa Design, 17 Ivaloo Street, Ste 400, Somerville, MA 02143	January 7, 2023	n/a
366 Broadway PHIUS 2021 Passive House - Net Zero Narrative	3	Linnean Solutions, Cambridge, MA	July 13, 2023	n/a
366 Broadway Passive House Feasibility Study	55	Linnean Solutions, Cambridge, MA	August 30, 2022	n/a
366 Broadway LEED "Certifiability" Affidavit	8	Linnean Solutions, Cambridge, MA	July 13, 2022	n/a
366 Broadway Sustainable & Resilient Buildings Questionnaire	22	366 Broadway, LLC, 29 Crenshaw Lane, Andover, MA 01810	July 2022	n/a

SITE PLAN APPROVAL & SPECIAL PERMIT FINDINGS

In accordance with the Somerville Zoning Ordinance, the Board may approve or deny a Site Plan Approval and Special Permit upon making findings considering, at least, each of the following:

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

The Board finds that the proposal will help to achieve the following goals from SomerVision, the comprehensive Master Plan of the City of Somerville:

- Significantly increase housing stock to keep up with demand while pursuing the goals of increasing the proportion of affordable housing and housing stock diversity.
- 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.
- 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 the proposal is consistent with the intent of the MR4 zoning district which is, in part, "[T]o create, maintain, and enhance areas appropriate for smaller scale, multi-use and mixed-use buildings and neighborhood serving uses."

SITE PLAN APPROVAL FINDINGS

In accordance with the Somerville Zoning Ordinance, the Board may approve or deny a Site Plan Approval upon making findings considering, at least, each of the following:

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

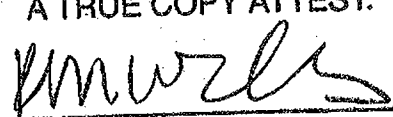
The Board finds that, as conditioned, the proposal does not produce any impacts that require additional mitigation.

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:

4. The suitability of the site for a household living principal use compared to other potential principal uses.

The Board finds that the development site is highly suitable for a residential use as it within the 0.5 mile transit area, close to multiple bus stops, and located along a major corridor that connects Somerville to Charlestown that contains many districts zoned for mixed-use development and high-density residential development.

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5. The ability of the development proposal to meet the demand for dwelling units of various types, sizes, and bedroom counts.

The proposal includes fifty (50) total dwelling units including twenty-six (26) studio unit, seven (7) one-bedroom units, ten (10) two-bedroom units, and seven (7) three-bedroom unit.

6. The increase or decrease in the number or price of any previously existing ADUs.

There are no previously existing ADUs on the site.

7. The number of motor vehicle parking spaces proposed for development within a Transit Area.

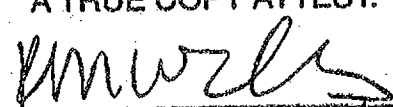
No motor vehicle parking is proposed for this development; thus the Board finds that this finding is not applicable.

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 for an apartment building in the MR4 district with the conditions included in the staff memo and discussed at the hearing. Vice-Chair Aboff 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. 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.
3. Frontage area provided for a widened sidewalk along Broadway & Thurston Street must be designed and paved to properly correspond with any sidewalk improvements approved within the public right-of-way.
4. The property owner and applicable future tenants shall comply with the Mobility Management Plan as approved and conditioned by the Director of Mobility on September 6, 2022.
5. Utility meters are not permitted on any façade or within the frontage area of the lot.
6. The property owner is responsible for all regular and long-term maintenance, replacement, insurance, and other applicable costs associated with all on-site sidewalk improvements.
7. Alterations to the design or location of the transformer vault is a major amendment to the approved plans, and is permitted only as a Plan Revision in accordance with Article 15 of the Somerville Zoning Ordinance.

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Prior to Building Permit

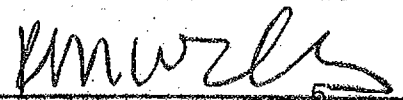
8. Physical copies of all development review submittal materials, as permitted by the Planning Board, must be submitted to the Planning, Preservation & Zoning Division for the public record.
9. A copy of the Recorded Decision stamped by the Middlesex South Registry of Deeds must be submitted for the public record.
10. Construction documents must be substantially equivalent to the approved plans and other materials submitted for development review.
11. Product details and design specifications for the fifty-eight (58) long-term bicycle parking spaces must be submitted to the Mobility Division to confirm compliance with Section 11.1 Bicycle Parking of the Somerville Zoning Ordinance.
12. Signage must be provided to direct loading and unloading activities along Thurston Street. A site plan showing the location of the signs and proposed signage language to be submitted to the relevant City Departments for review and comment.
13. All Stage 2 documentation required by the LEED Certifiability Requirements must be submitted to the Office of Sustainability & Environment.
14. All Stage 2 documentation required by the Net Zero Ready Certifiability Requirements must be submitted to the Office of Sustainability & Environment.
15. Materials specifications from suppliers must be submitted to confirm fenestration glazing is compliant with the VLT and VLR ratings required by the Somerville Zoning Ordinance.
16. An updated 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 luminaries; total site lumen limit tale (calculations from the SZO); lighting fixture schedule indicating the fixture type, description, lam 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 hours set for illumination.

Prior to Certificate of Occupancy

17. All Stage 3 documentation required by the LEED Certifiability Requirements must be submitted to the Office of Sustainability & Environment.
18. All Stage 3 documentation required by the Net Zero Ready Certifiability Requirements must be submitted to the Office of Sustainability & Environment.
19. A written narrative or descriptive checklist identifying the completion or compliance with permit conditions must be submitted to the Inspectional Services Department at least ten (10) working days in advance of a request for a final inspection.

Following public testimony, review of the submitted plans, and discussion of the statutorily required considerations, Chair Capuano moved to approve the Special Permit to authorize a Household Living Principal Use with the conditions included in the staff

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memo. Vice-Chair Aboff seconded. The Board voted **5-0** to approve the permit, subject to the following conditions:

Perpetual

1. All 3-bedroom affordable dwelling units must comply with the Director of Housing's quality standards for 3-bedroom ADU's.
2. 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.
3. Dwelling units must be advertised as ineligible for on-street Residential Parking Permits, subject to the regulations of the Somerville Traffic Commission.
4. 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.

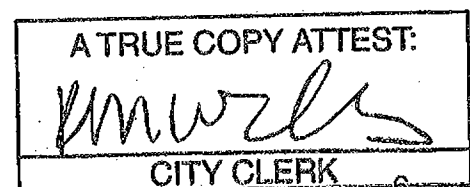
Prior to Building Permit

5. An Affordable Housing Implementation Plan (AHIP) must be submitted and approved by the Director of Housing.
6. Formal acknowledgement that residents are ineligible for on-street Residential Parking Permits, subject to the regulations of the Somerville Traffic Commission, must be filed with this decision.

Attest, by the Planning Board:

Michael Capuano, *Chair*
Amelia Aboff, *Vice-Chair*
Jahan Habib
Michael McNeley
Luc Shuster, *Alternate*


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



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 August 15, 2023 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.

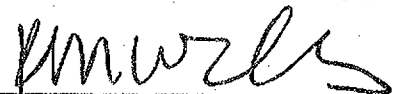
Signed



City Clerk

Date September 5, 2023

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