SOMERNOVA

October 20, 2026

City of Somerville
Zoning Board of Appeals
c/o Planning Division
167 Holland Street, Second Floor
Somerville, MA 02144

Re: Hardship Variance application, 599 Somerville Avenue, relief from SZO 4.1.9.D ground story entrance spacing

Members of the Board,

599 Somerville Ventures LLC, the owner of 599 Somerville Avenue, submits this application for a Hardship Variance under Somerville Zoning Ordinance section 15.2.3 and G.L. c. 40A, section 10.

The Property is located in the Mid-Rise 3 (MR3) zoning district, is not in a Transit Area, and is not in a Pedestrian Street District.

The Applicant requests relief from SZO 4.1.9.D, which sets a maximum ground story entrance spacing of 30 feet for the Commercial Building Type in the Mid-Rise 3 (MR3) zoning district. Two of the five entrances along the building's Somerville Avenue frontage were constructed 35 feet apart on center. The relief sought is five feet at one location.

The Applicant believes relief is justified because the intent of the standard is already achieved. Section 4.1.9.D aims to ensure active, transparent ground floors so commercial frontages appear as a series of entrances rather than a blank wall. This building provides five entrances along 197 feet, with 70 percent ground-level fenestration, plus widened sidewalks, an in-line bus stop and shelter, a corner parklet, a new crosswalk, a sidewalk-level bicycle lane, and 34 new native trees. The deviation is limited to five feet at one location. The design team, contractor, and City staff did not identify this issue during multiple reviews, and it became apparent only during the final zoning compliance inspection. Correcting it would require demolishing and rebuilding a section of the finished primary facade so that two doors, both serving the same lobby, would be five feet closer together, which creates a practical difficulty and substantial hardship for the Applicant. The building's function, appearance, and contribution to the public realm would remain unchanged, while the cost and disruption would be significant with no public benefit.

This project is a great benefit to the City, and the relief sought is de minimis, being only five feet for ground floor entrance spacing at one location on an otherwise zoning compliant building.

The Applicant appreciates the Board's consideration and is available to answer questions in advance of the hearing.

Sincerely,

Kristin Phelan

Kristin Phelan
Vice President, Real Estate Development & External Affairs
Rafi Properties LLC
On behalf of 599 Somerville Ventures LLC, Applicant and Owner

cc: Russell Preston, Director of Development Design, Somernova

Narrative Description

1. Property and project

599 Somerville Avenue is a three-story commercial building on a 20,386 square foot lot at the northwest corner of Somerville Avenue and Spring Street, in the Mid-Rise 3 (MR3) zoning district in the Spring Hill neighborhood. The property is not in a Transit Area and is not in a Pedestrian Street District.

The building rises 42 feet with a 16 foot mechanical penthouse set back 10 feet on all sides, presents 197 feet of frontage on Somerville Avenue, and holds 43,637 rentable square feet of laboratory and research and development space above 11,766 square feet of below-grade parking. It is Type IIB construction, fully sprinklered, Use Group B.

The Planning Board granted Site Plan Approval and a Special Permit for parking relief in case P&Z 20-031 on January 20, 2022, by a vote of seven to zero. The decision was filed with the City Clerk on February 3, 2022 and the appeal period ran with no appeals being filed. Construction proceeded under building permit B22-000523. The City then issued a temporary Certificate of Use and Occupancy, CO24-000174, on January 23, 2025.

The project delivered the frontage improvements committed by the Applicant during the development review process, being: sidewalks widened to 12 feet along both street frontages, an in-line bus stop with a new shelter, an enlarged pedestrian bump-out and parklet at the Spring Street corner, a new crosswalk across Somerville Avenue at Spring Street, a bicycle lane reconstructed at sidewalk level, and 34 new street and site trees. The ground story presents a robust 70 percent fenestration, against a lower minimum required by the Ordinance.

2. Relief requested

The Applicant requests a Hardship Variance from SZO 4.1.9.D, which establishes a maximum ground story entrance spacing of 30 feet for the Commercial Building Type.

The relief requested is limited to a single dimension:

Entrance pair, Somerville Avenue frontage	Approved plan	As built	Ordinance maximum	Status
Door 100B to door 100A	29 ft 0 in	35 ft 0 in	30 ft	Relief requested, five feet

The building presents five entrances across 197 feet of Somerville Avenue frontage. The Applicant requests relief for one entrance spacing, in the small amount of five feet.

The Applicant requests no other relief. No dimensional, use, parking, height, setback, coverage, or open space relief is sought.

3. Background and disclosure

The original Development Review Application submitted on November 2, 2021 described five separate entrances along Somerville Avenue spaced approximately every 30 feet, and the approved plan set dimensioned the two easternmost entrance pairs at 29 feet and 20 feet.

During design development and construction documents, the design team, Studio Troika, shifted the two easternmost entry doors six feet farther apart. Three constraints drove the change, none of them present at the time of the zoning approval. The corner of Spring Street and Somerville Avenue is narrow, which compressed the lobby and left little room to resolve the conflict between the accessible route at the entry door, the elevator, and the stair door. The transformer room grew during construction documents once its size was fixed in coordination with Eversource, which forced a further reconfiguration of the lobby, the elevator lobby, and the facade behind it. In addition, the project's LEED obligation changed after the approval.

The Development Review Application submitted on November 2, 2021 described the project as LEED Gold certifiable, and the Planning Board's decision expressly left the operative standard to the building official at final zoning review. City staff subsequently directed the project to LEED Platinum. That direction is documented in Bulletin 1, issued May 25, 2022 and titled "IFC and LEED Platinum," which amended the 100 percent construction documents set dated February 18, 2022. LEED Platinum required permanent walk-off mat zones inside the entrances for the indoor environmental quality entryway credit, and those zones needed clear floor area that the

lobby laid out in the approved Development Review Application did not have. The entrances were separated to create them in order to comply.

The change in the one entrance door spacing was not known to the Applicant and it was not easily discernible just by looking at the building. It was first identified in January 2025 at the final zoning compliance inspection for the certificate of occupancy by the City, which was the first time the Applicant was aware of the issue.

The Applicant responded immediately when made aware of the issue and has not contested the finding. On January 23, 2025 the design team wrote to the Office of Strategic Planning and Community Development documenting the deviation, attaching clouded plan and elevation drawings showing the approved and as-built dimensions side by side, and requesting a plan revision. The deviation has been a matter of written record with the City from that point forward.

The City issued the temporary certificate of occupancy the same day, conditioned as follows: "TEMPORARY CERTIFICATE OF OCCUPANCY PENDING COMPLIANCE OF DOOR SPACING UNDER ZONING PER SZO 4.1.9.D. TCO EXPIRES 07/21/2026. VARIANCE APPLICATION OR REASONABLE ARGUMENT ON RELIEF INAPPLICABILITY TO BE PURSUED EXPEDITIOUSLY". That condition contemplated this application for a Hardship Variance regarding the one ground story entrance spacing issue.

4. Governing standard

This application is governed by G.L. c. 40A, section 10, as replaced in its entirety by section 47 of Chapter 137 of the Acts of 2026, and by SZO section 15.2.3. Chapter 137, the Fiscal Year 2027 budget, was signed on July 9, 2026. It carries an emergency preamble and a retroactive effective date of July 1, 2026. This amended section 10 governs this application.

The amended section 10 authorizes a variance on a finding that strict enforcement of the ordinance would result in practical difficulty. In making that determination the permit granting authority weighs the benefits to the petitioner and to the public interest against the detriment to the public health, safety and welfare of the neighborhood.

Section 5 below addresses the three hardship variance criteria under SZO 15.2.3. Section 6 addresses the new "practical difficulty" statutory standard.

The Applicant respectfully notes one point of sequence. SZO 15.2.3 was written against the previous version of section 10 and carries its language. Where the two now differ, the amended statute with the "practical difficulty" standard controls.

5. The three hardship variance criteria in SZO 15.2.3

Criterion one. Special circumstances relating to soil conditions, shape, or topography of the land, or the unusual character of an existing structure, not affecting generally the MR3 district.

The unique shape of the parcel imposed significant constraints on the ground floor layout. The 20,386-square-foot lot is irregular and narrows sharply at the corner of Somerville Avenue and Spring Street. To accommodate this, the building uses an L-shaped footprint with 90 percent lot coverage, resulting in a smaller floor plate than similar commercial projects in Somerville at the time and a ground floor with minimal flexibility.

The lobby was compressed to fit the corner, causing the accessible routes from the entry, elevator, and stair doors to converge. The doors were separated to maintain clear paths.

Two additional constraints arose after the prior Planning Board approval, further limiting the same corner.

The first constraint was sustainability. The Planning Board approved the project on January 20, 2022, based on a Development Review Application describing it as LEED Gold certifiable, leaving the final standard to the building official. After zoning approval and completion of the construction documents on February 18, 2022, City staff directed the project to pursue LEED Platinum, as documented in Bulletin 1, issued May 25, 2022, titled "IFC and LEED Platinum." LEED Platinum requires permanent walk-off mat zones inside building entrances to earn the indoor environmental quality entryway credit. These zones require clear floor area, which the approved lobby layout did not provide. The layout had to be retrofitted to meet this new requirement, and separating the entrances allowed the mats to fit.

The second constraint was the transformer room, which increased in size during construction document coordination with Eversource. This required further reconfiguration of the lobby, elevator lobby, and the adjacent facade.

Each of these constraints is specific to this parcel and does not affect the MR3 district as a whole.

Throughout design development and construction document phases, the ground floor was repeatedly reworked to address these issues, and the five-foot difference in ground floor entrance door spacing was overlooked. None of the design team, the contractor, or City staff identified it during multiple document reviews, and the Applicant was not aware of the issue. This is because the discrepancy is so small as to not be noticeable when looking at the building. It was only discovered during the final zoning compliance inspection for the certificate of occupancy by the City.

The issue was not intended or created by the Applicant, which was unaware of the situation until raised by the City at the final certificate of occupancy stage after the building was constructed. The design team's erroneous alteration of the ground floor spacing for this one entrance was not due to any instructions from the Applicant and was not known to the Applicant.

Criterion two. Literal enforcement would involve substantial hardship, financial or otherwise, to the petitioner, due to said special circumstances.

Strict enforcement of the 30-foot maximum would require relocating the constructed storefront entrance by five feet within a completed building.

It involves demolishing and reconstructing a section of the primary facade on a public street, including the exterior wall, cladding, string course, storefront system, entry canopy, weather and air barriers at both the new and closed openings, the accessible route, and the finished lobby. The project would also require a sidewalk closure and a street occupancy permit on a bus route with a stop directly in front of the building.

This change offers no functional benefit. Both doors currently open into the lobby, and after the work, they would still do so, only five feet closer together. The building's function and the experience for pedestrians would remain unchanged.

The hardship extends beyond the cost. The temporary certificate of occupancy for the 43,637 square foot building expired on July 21, 2026, and the condition on it concerns only this five-foot dimension. Without a valid certificate of occupancy, leases cannot be executed, as tenant counsel will not proceed. As a result, strict enforcement suspends the productive use of the entire building due to a condition affecting only about two percent of its street frontage.

The Applicant acknowledges the time required, and provides the following history of the project for the Board's reference. The design team disclosed the ground floor entrance spacing issue to the Office of Strategic Planning and Community Development on January 23, 2025, and submitted a plan revision. Throughout 2025, the Applicant worked with the Planning, Preservation and Zoning Division to determine whether the Planning Board could address the issue as a modification of its Site Plan Approval, and engaged land use counsel to explore this option. The appropriate forum for relief remained unclear until the amendment of G.L. c. 40A section 10, effective July 1, 2026, resolved the issue. This application follows.

Criterion three. Desirable relief can be granted without substantial detriment to the public good and without nullifying or substantially derogating from the intent and purpose of the MR3 district or the Ordinance in general.

Per Section 4.1.3 of the SZO, the purpose of the MR3 district is:

a. *To permit the development of multi-unit and mixed-use buildings that do not exceed three (3) stories in height.*
b. *To provide quality commercial spaces and permit small-scale, neighborhood serving commercial uses.*
c. *To create dwelling unit types, sizes, and bedroom counts ideal for larger households in apartment buildings.*
d. *To create dwelling unit types, sizes, and bedroom counts ideal for smaller households in general buildings.*
e. *To permit increased residential density for buildings that meet the definition of a net zero ready building.*

This project is exactly that. It is a three-story Commercial Building structure providing quality commercial space to serve the neighborhood.

The project meets the goals of the SomerVision 2040 Strategic Plan of local job creation, sustainability, open space, and a healthier, more prosperous, more attractive place to live, work, play, and raise a family.

Sustainability will be addressed in a number of ways, especially by being LEED Platinum certifiable.

SZO Section 4.1.9.D ensures that ground floors remain active, accessible, and visible from the sidewalk, so that commercial frontages appear as a series of entrances rather than a continuous wall. The built condition at the building currently supports the intent of this standard.

The building provides five entrances along 197 feet of frontage, with 70 percent ground story fenestration. The spacing between doors 100B and 100A exceeds the maximum by five feet. This does not diminish the ground floor's activity or accessibility for pedestrians on Somerville Avenue.

Entrance spacing is among the finer-grained standards in Article 4, and a five foot difference at one of five entrances does not undermine its purpose. The strongest evidence is the review history. The design team, the contractor, and City staff each assessed this frontage against the Ordinance repeatedly, and none of them registered the deviation. It surfaced only when the dimension was measured at the final zoning compliance inspection. A nonconformity that trained reviewers do not see is a technical measurement rather than a condition the public experiences.

The wider spacing also serves a functional purpose consistent with the standard's intent. It reduces congestion where three entrances converge at the eastern end and accommodates the permanent walk-off mat zones inside the doors required by the project's LEED obligation. Both make the entrances work better for the people using them.

This project has significantly improved the surrounding public realm, delivering all planned enhancements: 12-foot-wide sidewalks, an in-line bus stop and shelter, a corner parklet, a new crosswalk, a sidewalk-level bicycle lane, and 34 new trees. The resulting pedestrian environment aligns with the goals of the Ordinance.

Granting this relief does not set a precedent or weaken the standard. It applies only to the constructed conditions at this address. The supporting finding, based on the shape of this parcel and the constraints it imposed on this ground floor, does not extend to applicants proposing new buildings on conventional lots.

6. The amended M.G.L. ch. 40A, Section 10 analysis

Practical difficulty

The construction that compliance would require, its cost, and its consequences for the certificate of occupancy are set out under criterion two above and are not repeated here.
Those facts establish practical difficulty as the amended M.G.L. Ch. 40A, Section 10 uses the term.

The existing condition is already built, so compliance cannot be achieved on paper; it requires physical demolition and reconstruction of a finished street facade, at a cost out of proportion to a five foot dimension, and it cannot be done without closing a public sidewalk at an in-line bus stop. A requirement that imposes substantial cost and public disruption while producing no change in function, appearance, or public benefit is a difficulty that is practical rather than theoretical. The change is so small that the Applicant did not even notice it.

Benefits weighed against detriment

The benefits are the issuance of a permanent certificate of occupancy and the return of a 43,637 square foot laboratory and research building to the leasing market it was built to serve, in a city committed through SomerVision 2040 to becoming a regional employment center; the roughly 98 permanent jobs the project was projected to support; and the avoidance of a construction scope that would close a public sidewalk and bus stop on Somerville Avenue for several weeks.

There is no identifiable detriment to public health, safety, or neighborhood welfare. No abutters are affected, and there are no changes to sight lines, setbacks, shadows, traffic, parking, or noise. The public realm is already established and improved. The only measurable impact is that one gap between two doors along the 197-foot frontage is 35 feet instead of 30, which is de minimis.

The four permissive considerations

In addition to the arguments already made above, the Applicant states as follows:

Shape. The practical difficulty does relate to the shape of the land, for the reasons set out under criterion one above.

Financial hardship. There is financial hardship to the Applicant, as set out under criterion two

above, together with the carrying cost of a building that cannot be leased while its certificate of occupancy is unresolved.

Whether the benefit sought can be achieved by another feasible method. It cannot. The Applicant and its design team reviewed alternatives before filing this application for a hardship variance. Compliance with SZO Section 4.1.9.D at this location requires physically relocating the entrance; there is no alternative compliance path, waiver, or offsetting measure in Article 4 for entrance spacing. Adding a sixth entrance between the existing doors would meet the dimensional requirement but would disrupt the interior layout, add a redundant door and canopy to a facade already approved by the Urban Design Commission, and serve no practical purpose. This is not a feasible solution.

Self-creation. The Applicant did not create the practical difficulty, had no intent to create this issue, and was not even aware that any changes were made to the entrance spacing by its design team. The design team relocated the doors during design development and construction for functional reasons described in section 3, but did not confirm compliance with the entrance spacing maximum during the sequence of changes and did not inform the Applicant of the change. At any rate, self-creation is just one factor to be weighed, not a threshold bar to relief, under the standard with the revision to M.G.L. ch. 40A, Section 10.

7. Minimum relief

The Applicant requests minimal relief to address a single condition: a 35-foot distance between doors 100B and 100A, which exceeds the maximum by five feet at one location on one frontage. The Applicant is not seeking relief for the second entrance pair, which moved from 20 feet to 28 feet and remains compliant. The Applicant is not seeking relief from ground story fenestration, facade build-out, blank wall, or any other Article 4 standard. The Applicant is not seeking to legitimize any other departure from the approved plans, and the structure otherwise complies with the SZO.

8. Consistency with the Site Plan Approval

The Site Plan Approval in case P&Z 20-031 carries the perpetual condition that construction documents be substantially equivalent to the approved plans and other materials submitted for development review.

The Applicant maintains that shifting one entrance by six feet along a 197-foot frontage is substantially equivalent to the approved plan. The entrance count, the facade composition, the building envelope, the height, the massing, and the public realm package are those the Board approved.

Authority to grant relief from the dimensional standard lies with this Board under SZO 15.2.3.c.i. For this reason, the Applicant presents the request here.

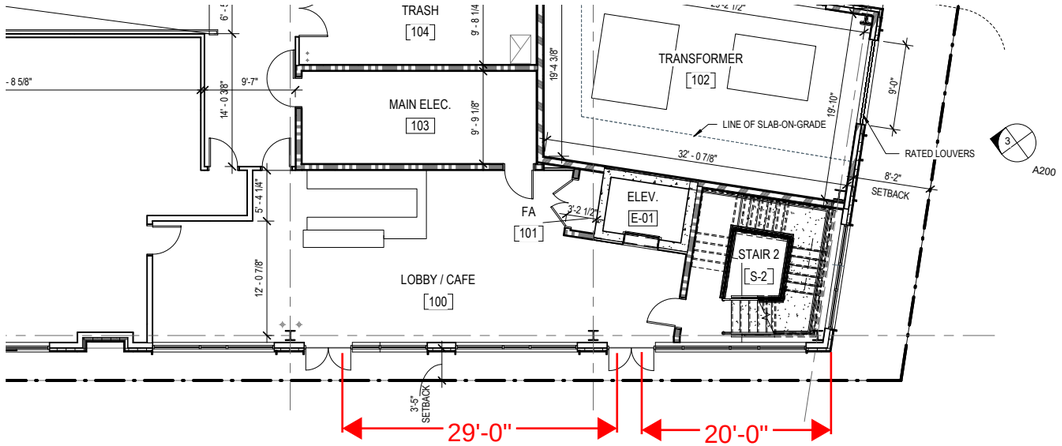
9. Conclusion

The Applicant requests that the Board grant a Hardship Variance from SZO 4.1.9.D to allow a 35-foot spacing between doors 100B and 100A on the Somerville Avenue frontage at 599 Somerville Avenue.

List of Exhibits

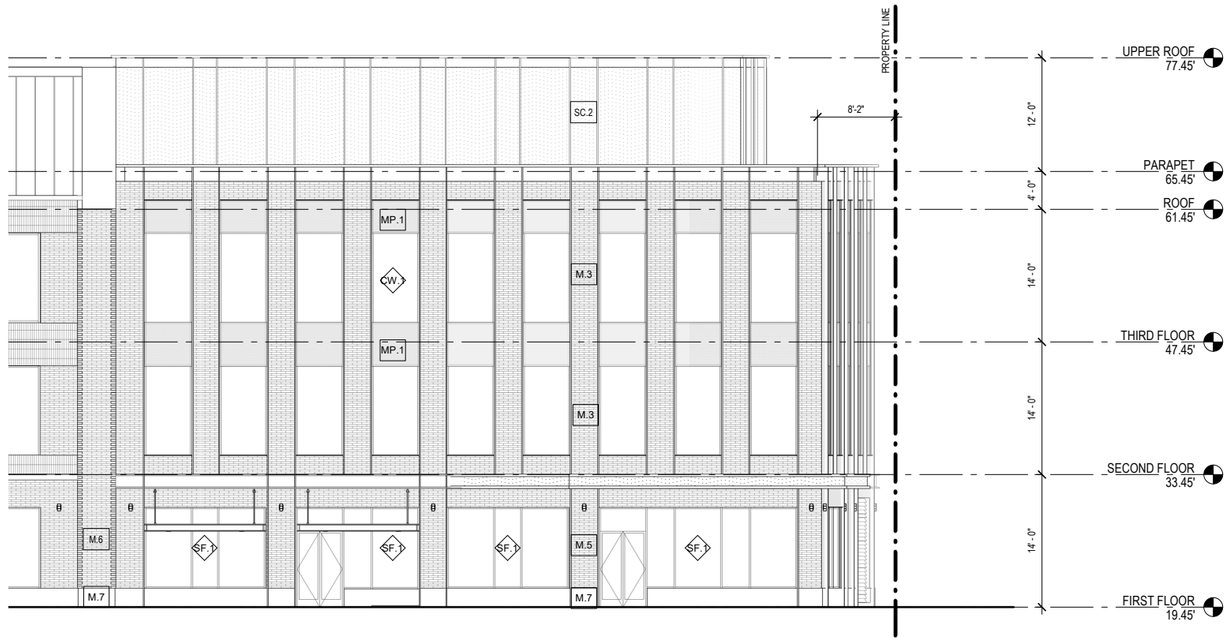
Exhibit A. Studio Troika plan revision drawing dated January 23, 2025, showing the approved and as-built entrance dimensions.
Exhibit B. Temporary Certificate of Use and Occupancy CO24-000174, showing the condition on its face.
Exhibit C. Studio Troika letter to the Office of Strategic Planning and Community Development dated January 23, 2025, documenting the deviation and requesting a plan revision.
Exhibit D. Planning Board decision, case P&Z 20-031, filed February 3, 2022.

PLAN REVISION: 599 SOMERVILLE AVE
PERMIT NUMBER: B22-000523
CASE NUMBER:



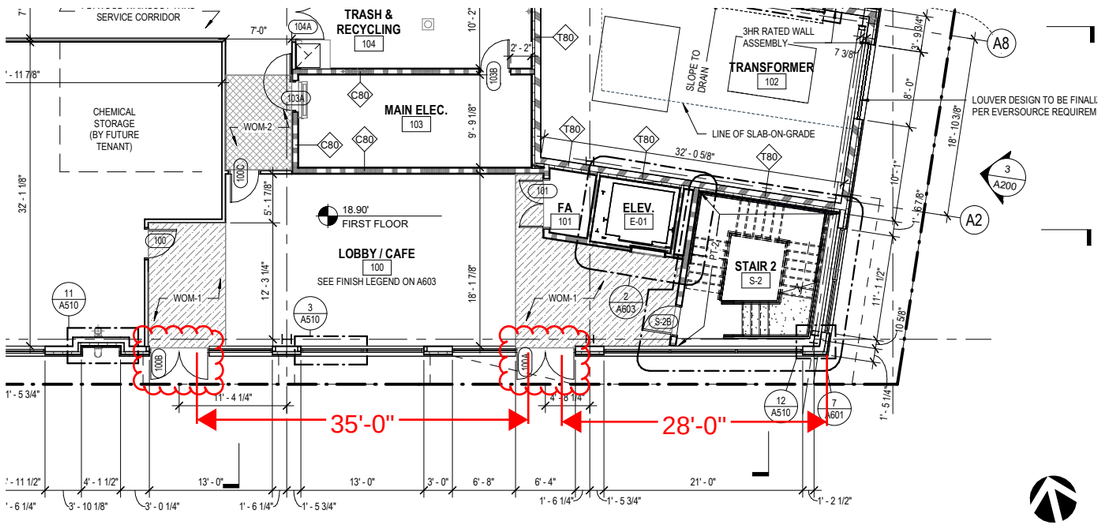
DEVELOPMENT REVIEW APPROVED PLAN - FIRST FLOOR

0' 4' 8' 16'
Scale: 1/8" = 1'-0"

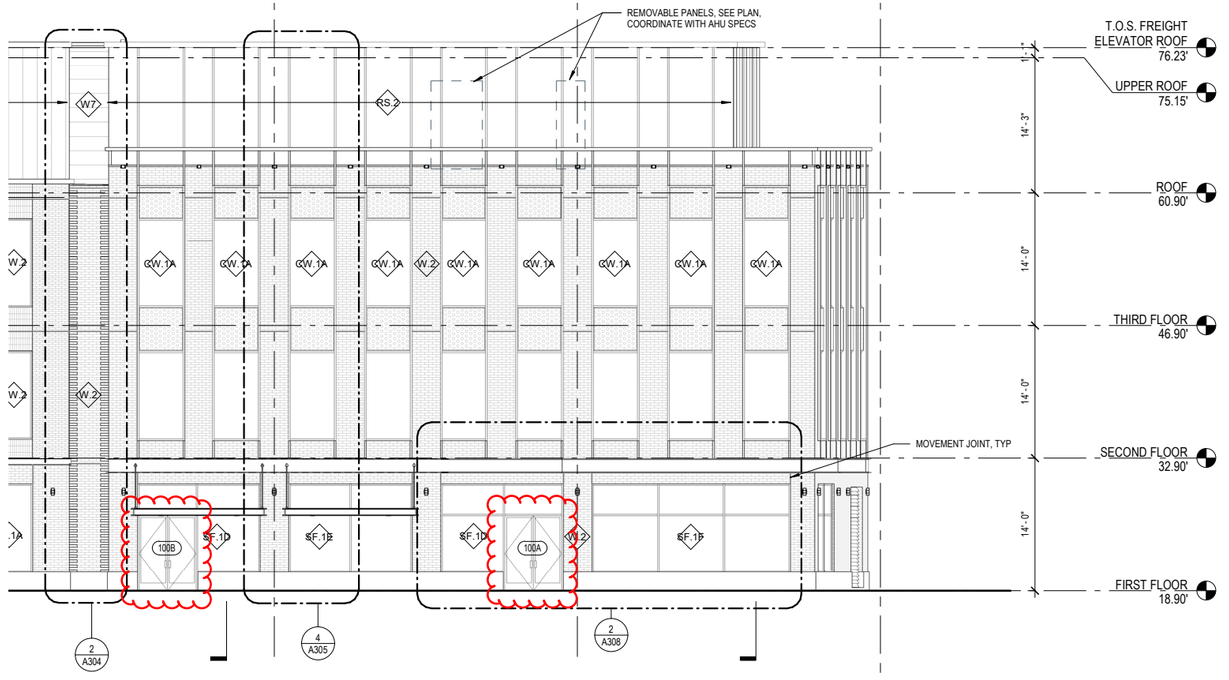


DEVELOPMENT REVIEW APPROVED ELEVATION - SOUTH

0' 4' 8' 16'
Scale: 1/8" = 1'-0"



PROPOSED PLAN REVISION - FIRST FLOOR



PROPOSED ELEVATION REVISION - SOUTH

Certificate of Use and/or Occupancy

City of Somerville
ISD-Inspectional Services Department
CO24-000174

Issue Date: 01/23/2025

This certificate is issued in accordance with the provisions of Section 111 of 780 CMR, the Ninth Edition of the State Building Code.

Zone: MR3	Ward: 3	Map: 44	Block: I	Lot: 7
Address: 599 SOMERVILLE AVE			Owner: 599 SOMERVILLE VENTURES LLC	
Building Permit #: B22-000523			Type of Construction: IIB	
Fire Grading: 2 Hour			Maximum Load Capacity: 100 P.S.F.	
Maximum Floor Area per Occupant: 100 GROSS SQUARE FEET PER OCCUPANT			Automatic Sprinkler System: Yes	
Use: **TEMPORARY CERTIFICATE FOR BASE BUILDING, LAB AND RESEARCH & DEVELOPMENT**			Use Group: B-- Business	

Special Conditions: TEMPORARY CERTIFICATE OF OCCUPANCY PENDING COMPLIANCE OF DOOR SPACING UNDER ZONING PER SZO 4.1.9.D. TCO EXPIRES 07/21/2026. VARIANCE APPLICATION OR REASONABLE ARGUMENT ON RELIEF INAPPLICABILITY TO BE PURSUED EXPEDITIOUSLY

This certificate of use and occupancy certifies that the work has been completed in accordance with the provisions of the applicable codes for which a permit is required on the date of its issuance and that the building or structure may be used in its several parts as stipulated.

Floyd Richardson
Building Inspector

Albert Bargoot
Building Official

STUDIO
TROIKA

January 23, 2025

Office of Strategic Planning &
Community Development
City of Somerville

Re: 599 Somerville Ave - Plan Revision Narrative Summary

Dear Director of the Office of Strategic Planning & Community Development,

The 599 Somerville Avenue design team requests a revision to the spacing of the two eastern-most entry doors. The entry doors are proposed to shift 6 feet farther apart for a total of 35 feet between the center of the doors, previously shown as 29 feet apart in the approved DRA submission. See attached plan and elevation drawings with revisions clouded for reference.

The deviation in location of the doors from the approved plans is intended to reduce congestion at the primary entry and optimize flexibility of use of the lobby space. It also creates distinct zones for substantial walk-off mats that are designed to be permanently in the space, consistent with LEED entryway requirements for indoor environmental quality.

The increased separation of the entry doors is an oversight during design development at which time the team was focused on interior functionality for the end users. However, the design team posits that intent of the approved zoning drawings were maintained and, in our professional opinion, the change does not qualify as substantial in the operation nor built outcome of the building.

Thank you for your consideration,
Jillian Blakey and Rob Elfer
Studio Troika

City of Somerville

PLANNING BOARD

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

DECISION

2022 FEB -3 P 7:04
CITY CLERK'S OFFICE
SOMERVILLE, MA

PROPERTY ADDRESS:	**599 Somerville Ave**
CASE NUMBER:	P&Z 20-031
OWNER:	Rafi Properties LLC/599 Somerville Ventures LLC
OWNER ADDRESS:	P.O. Box 961869, Boston, MA 02196
DECISION:	Approved with Conditions (SPA) Approved (SP)
DECISION DATE:	January 20, 2021

This decision summarizes the findings made by the Planning Board regarding the development review application submitted for 599 Somerville Avenue.

LEGAL NOTICE

Rafi Properties LLC proposes to develop a 3-story LEED Platinum[1] commercial building in the Mid-Rise 3 (MR3) zoning district which requires Site Plan Approval and one (1) Special Permit.

RECORD OF PROCEEDINGS

On January 6, 2022 the Planning Board held a public hearing advertised in accordance with M.G.L. 40A and the Somerville Zoning Ordinance. Present and sitting were Planning Board members Chair Michael Capuano, Vice-Chair Amelia Aboff, Clerk Rob Buchanan, Jahan Habib, Erin Geno, and alternates Russell Plides and Debbie Howitt-Easton.

The Applicant provided a presentation on the proposed commercial building, after which the Board asked questions regarding the proposed parking and whether any proposed tenants have been selected. After dialogue between the Board and the Applicant regarding the above inquires, the Chair opened up public testimony.

Many members of the public thanked the developer for incorporating mitigation elements into the building design to help alleviate concerns raised by neighbors at previous meetings. The concerns raised during public testimony included privacy concerns, traffic concerns at the intersection of Spring Street and Somerville Avenue, shadow impacts on adjacent properties, noise, parking, types of plant species proposed for landscaping, construction related impacts, and penthouse height. Discussion topics between the Board and the Applicant included signage plans, privacy concern mitigation, shadow studies, and proposed ground story retail uses.

1. The applicant for 599 Somerville Avenue, in their narrative for LEED documentation described the building as a 3-story commercial building "43,700 in total GFA with below grade parking" with the intent to have the building be LEED Gold certifiable. Staff advertised this project for the January 6, 2022 Planning Board Hearing with the legal ad describing the building meeting LEED Platinum certifiability, as shown above. Prior to the public hearing, staff adjusted the Planning Board agenda and staff memo to match the submitted narrative, and indicate that the building must be LEED Gold certifiable. Regardless of the LEED standard indicated in the legal notice, agenda, and reports, it is the expectation of the Board that the project will meet the LEED standard required by the Somerville Zoning Ordinance, based upon the final determination of the building official when a plan set is submitted to the building official for final zoning review and building permits.

The Board expressed their gratitude to the Applicant for taking time to work with many of the neighbors on design concerns they had during the review process. The Board discussed incorporating additional conditions including window treatment on the rear of the building to mitigate privacy concerns, prohibit outdoor events, condition the creation of a mural on the west facing exterior wall, and transportation mitigation to create a safety pedestrian environment at the intersection of Spring Street and Somerville Avenue. Chair Capuano left written testimony open until Friday January 14th and continued the meeting to another hearing date.

On January 20, 2022 the Planning Board resumed the public hearing. Present and sitting were Planning Board members Chair Michael Capuano, Vice-Chair Amelia Aboff, Clerk Rob Buchanan, Jahan Habib, Erin Geno, and alternates Russell Plides and Debbie Howitt-Easton. Following a presentation by the development team addressing previously raised questions and comments regarding potential conditions, the Board discussed and amended some of the condition language from the supplemental staff report. The Board and the Applicant discussed parking, if animal testing will be prohibited from being a lab use, if the use of real brick will be part of the materiality of the façade, and that the Applicant shall work with mobility on traffic concerns relating to the intersection of Spring Street and Somerville Avenue before construction occurs.

Site Plan Approval + Special Permit Considerations & Findings

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 from SomerVision, the comprehensive Master Plan of the City of Somerville:

- Make Somerville a regional employment center with a mix of diverse and high-quality jobs.
- Support a business-friendly environment to attract and retain a diverse mix of businesses that can start here, grow here, and stay here.
- Invest in the talents, skills, and education of people to support growth and provide opportunities to residents of all social and economic levels.
- Link our corridors, squares, and growth districts to support future development and economic activity.
- Increase the recognition of Somerville as a center of arts and creativity.
- Design and maintain a healthy and attractive public realm (e.g., streets, sidewalks, and other public spaces) that fosters community connection.
- Expand bike and pedestrian use by transforming existing infrastructure with accommodations for all bicyclists and pedestrians, resulting in safe, accessible, and well-connected networks.

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 MR3 zoning district which is, in part, "*To create, maintain, and enhance areas appropriate for smaller scale, multi-use and mixed-use buildings and neighborhood serving commercial uses.*"

Site Plan Approval:

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

The Board finds the proposal includes several design features in response to community feedback received at neighborhood meetings. As conditioned, the proposal does not produce any impacts that require mitigation.

Special Permit Considerations to Parking Relief:

4. *The supply and demand of on-street parking in the neighborhood, as determined through a parking study.*

The Board finds that the parking provided is sufficient and those driving will utilize the garage on site for vehicle parking. Retail uses proposed at the site are meant to serve the immediate area and users of the proposed commercial building.

5. *Mobility management programs and services provided by the Applicant to reduce the demand for parking.*

Through a variety of mobility management programs outlined in their approved Mobility Management Plan, the Board finds that the proposed project is reducing the demand for parking

6. *That parking provided in excess of any maximum permitted does not result in the increase in impervious lot area.*

As the project is not proposing any parking in excess of any maximums permitted, the Board finds that this consideration is not applicable to the project.

PERMIT CONDITIONS

Following public testimony, review of the submitted plans, and discussion of the statutorily required considerations, Chair Michael Capuano moved to approve the **SITE PLAN APPROVAL** to develop a 3-story LEED Certifiable Commercial Building. Vice Chair Amelia Aboff seconded. The Board voted 7-0 to approve the permit, subject to the following conditions:

Perpetual

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

- Construction documents must be substantially equivalent to the approved plans and other materials submitted for development review.
- 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.
- 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.
- The property owner and applicable future tenants shall comply with the Mobility Management Plan as approved and conditioned by the Director of Mobility on November 1, 2021.
- Frontage area provided for a widened sidewalk along Somerville Avenue must be designed and paved to properly correspond with any sidewalk improvements approved within the public right-of-way.
- 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.
- Any revisions to the approved design of the frontage area provided for a widened sidewalk must be approved by relevant City Departments.
- Bike room must be constructed a grade or with a low slope ramp and approved by the Mobility Director.
- To mitigate noise pollution, outdoor events are not permitted.
- A public art mural must be provided on the left (western) exterior wall and good faith efforts must be made to solicit a local artist(s) in coordination with the Somerville Arts Council, to design and install the mural. The property owner is responsible for any applicable costs associated with the development and implementation of the mural.

Prior to Building Permit

- Physical copies of all development review submittal materials, as permitted by the Zoning Board of Appeals, must be submitted to the Planning & Zoning Division for the public record.
- A copy of the recorded Decision stamped by the Middlesex South Registry of Deeds must submitted to the Planning & Zoning Division for the public record.
- 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.
- 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.

- Detailed plans for protecting street trees intended to remain during construction must be approved by the City Arborist.
- Utility meters are not permitted on any facade or within the frontage area of the lot.
- All Stage 2 documentation required by the Office of Sustainability & Environment's LEED Certifiability Requirements.

Prior to Certificate of Occupancy

- All Stage 3 documentation required by the Office of Sustainability & Environment's LEED Certifiability Requirements.
- 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
- To mitigate transportation impacts, Somerville Avenue must be improved with a crosswalk. Final design must be approved by relevant City Departments.
- To mitigate transportation impacts, the intersection of Spring Street and Somerville Avenue must be improved with directional signage, the removal the first three parking spaces on the east side of Spring St, and the addition of a double-yellow center line that will start from the intersection of Spring St and Somerville Ave to the to the northern side of the 6 Spring St curb cut. Final design must be approved by relevant City Departments.

street occupancy or thoroughfare permit

Following public testimony, review of the submitted plans, and discussion of the statutorily required considerations, Chair Michael Capuano moved to approve the **SPECIAL PERMIT FOR PARKING RELIEF**. Vice Chair Amelia Aboff seconded. The Board voted 7-0 to approve the permit.

Attest, by the Planning Board:

Michael Capuano, *Chair*
Amelia Aboff, Vice Chair
Rob Buchannan, *Clerk*
Jahan Habib
Erin Geno
Debbie Howitt Easton, *Alternate*
Russell Plides, *Alternate*

Sarah Lewis,
Director of Planning & Zoning

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.

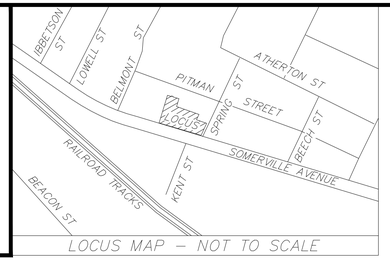
This is a true and correct copy of the decision filed on _____ in the Office of the City Clerk, and twenty days have elapsed, and

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 _____



LOCUS MAP – NOT TO SCALE

FOR REGISTRY USE ONLY

PLAN REFERENCES

L.C.C. 8878A
PLAN 279 OF LAND TAKINGS, SOMERVILLE AVE
PLAN 377 OF 2016
PLAN 420 OF 1972
PLAN 460 OF 1946
PLAN 1660 OF 2006
PLAN 975 OF 1947
PLAN BOOK 4219 END
PLAN 611 OF 2017
PLAN 541 OF 1949
CITY OF SOMERVILLE NOTEBOOKS

LOCUS TITLE INFORMATION

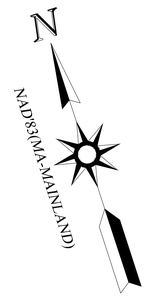
599 SOMERVILLE AVE

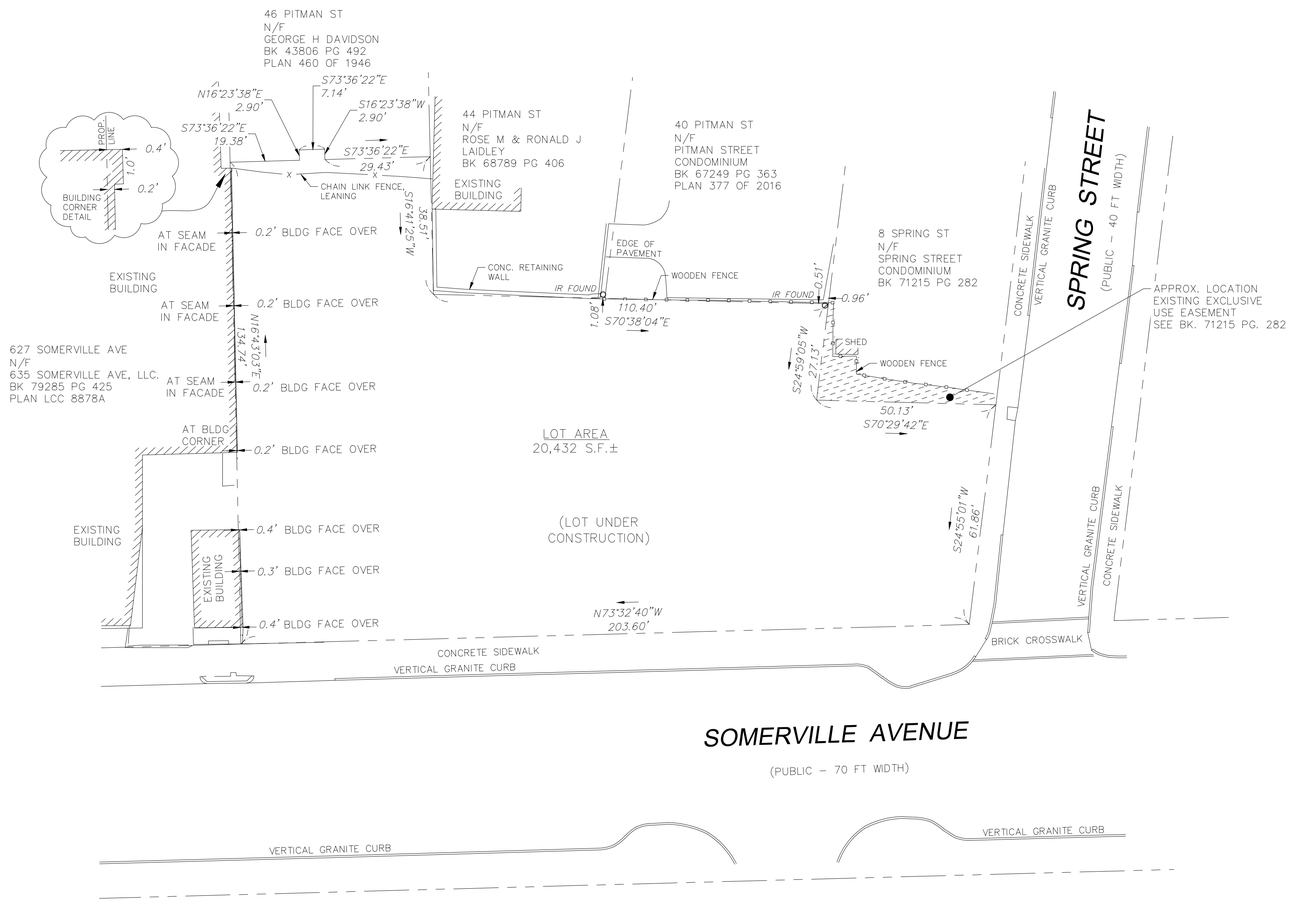
OWNER: 599 SOMERVILLE VENTURES LLC.

DEED REFERENCE: BOOK 74032 PAGE 5

PLAN REFERENCE: PLAN BOOK 4219 END

ASSESSORS: MAP 44, BLOCK I LOT 7





NOTES

THE PURPOSE OF THIS PLAN IS TO SHOW THE PROPERTY LINES OF THE LOCUS SITE.

THIS PLAN IS THE RESULT OF ON–THE–GROUND INSTRUMENT SURVEYS PERFORMED IN JULY OF 2021 AND MAY OF 2022 BY GM2 ASSOCIATES, INC.

THE BUILDING WAS RAZED AFTER THE FIELD WORK. CURRENT CONDITIONS OF THE INTERIOR OF THE SITE ARE UNDER CONSTRUCTION AND ARE NOT REPRESENTED ON THIS PLAN.

BOUNDARY LINES AND EASEMENTS FOR THE SUBJECT PROPERTIES ARE PER DEED AND PLAN RESEARCH BY GM2 ASSOCIATES, INC.. THIS PLAN WAS PREPARED WITHOUT A FULL TITLE EXAMINATION, UNRECORDED EASEMENTS AND/OR ADVERSE CLAIMS BY OTHERS ARE NOT SHOWN.

NO UTILITY INFORMATION IS SHOWN ON THIS PLAN.

WE HEREBY CERTIFY THAT

THE PROPERTY LINES SHOWN ARE THE LINES DIVIDING EXISTING OWNERSHIPS AND THE LINES OF STREETS AND WAYS SHOWN ARE THOSE OF PUBLIC OR PRIVATE STREETS AND WAYS ALREADY ESTABLISHED AND NO NEW LINES FOR THE DIVISION OF EXISTING OWNERSHIPS OR FOR NEW WAYS ARE SHOWN.

THIS PLAN WAS PREPARED IN CONFORMANCE WITH THE RULES AND REGULATIONS OF THE REGISTERS OF DEEDS AND THAT THIS IS NOT A CERTIFICATION TO THE TITLE OR OWNERSHIP OF THE PROPERTY SHOWN.

P.L.S. _____
RICHARD W. REID, JR, P.L.S. MASS. REGISTRATION NO. 46861

DATE 04/19/2024

0 20 50 100
SCALE: 1" = 20'

Copyright 2024 GM2 Associates, Inc.

P:\2020 Projects\2020-092 599 Somerville Ave Somerville\Dwg_SURVEYING\2020-092_599 Somerville Ave-CPP.dwg

GM2 ASSOCIATES
GM2 Associates, Inc.
10 CABOT ROAD, SUITE 101B
MEDFORD, MASSACHUSETTS

SCALE:
HORIZ: 1"=20'
VERT:

NO.	DATE	BY	REVISIONS
1	02/21/24	JFS	MYLAR FOR RECORDING

FIELD: LG + BS
CALCS: JS
CHECKED: CS
APPROVED: JS

CERTIFIED PLOT PLAN

599 SOMERVILLE AVENUE

LAND LOCATED IN
SOMERVILLE, MASSACHUSETTS
SURVEYED FOR
RAFI INVESTMENTS

PROJECT NO. 2020-092
DATE: 04/19/24
SHEET NO. 1 OF 1