



City of Somerville

## PLANNING BOARD

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

2021 DEC -1 P 2:09

### DECISION

**PROPERTY ADDRESS:** 371 Highland Ave  
**CASE NUMBER:** P&Z 21-041  
**OWNER:** J&C Realty Trust  
**OWNER ADDRESS:** 371 Highland Ave  
**DECISION:** Approved with Conditions (SPA)  
Approved with Conditions (SP)  
**DECISION DATE:** November 18, 2021

CITY CLERK'S OFFICE  
SOMERVILLE, MA

This decision summarizes the findings made by the Planning Board regarding the development review application submitted for 371 Highland Ave.

### LEGAL NOTICE

J&C Realty Trust proposes to develop a 4-story LEED Gold general building and establish a Household Living principle use for 22 dwelling units in the Mid-Rise 4 (MR4) zoning district. This proposal requires Site Plan Approval and one (1) Special Permit.

### RECORD OF PROCEEDINGS

On November 4, 2021 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 Michael Capuano, Amelia Aboff, Rob Buchanan, Jahan Habib, Erin Geno and alternate Debbie Howitt Easton. Attorney Anne Vigorito provided an overview of the proposed 4-story LEED Gold general building and Architect Will Chalfant presented the building design. After a presentation by the Applicant, the Board opened public testimony. The Board received no public testimony. The board provided comments on aspects of the building design they thought were exciting. Chair Capuano asked why the garage door to the underground parking was on the front of the building and why the project has vehicular parking spaces when it's located within a half-mile of the Davis Square T-Stop. Clerk Buchanan asked if the brick column structure at the intersection of West St and Highland Ave would be removed, which the applicant responded saying it would remain. Vice Chair Aboff had some comments regarding the loading areas and that there seems to be inconsistencies with the dwelling unit numbers presented versus what was submitted in the application and described on the staff memo. Both the applicant and staff responded by saying they would update materials to be consistent with the actual dwelling unit number and long-term bike parking provided. The board left written testimony open until November 12, 2021 and continued the public hearing.

On November 18, 2021 the Planning Board resumed the public hearing. Present and sitting were Planning Board members Amelia Aboff, Rob Buchanan, Erin Geno, and Debbie Howitt Easton. The Applicant discussed the content of the updated submitted

documentation. The Board opened up public testimony for the new documentation. No public testimony was received. Board member Erin Geno pointed out some minor errors in the staff memo and staff responded that they would update and repost online. The board discussed the idea of adding a condition for the type of trees to be planted and that the applicant should work with the City Arborist to diversify the tree selection.

## **SITE PLAN APPROVAL + SPECIAL PERMIT FINDINGS**

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

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

- Facilitate transit-oriented, neighborhood infill development when it enhances the lively, human-scaled and walkable character of Somerville blocks and neighborhoods.
- Preserve and enhance the character of Somerville's neighborhoods, enable sensitive, economically feasible maintenance and adaptive reuse of historic buildings, and respect neighborhood form and patterns while expanding Somerville's architectural legacy.
- Promote mixed-use, mixed-income transit-oriented development to provide new housing [].

- 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, *"To create, maintain, and enhance areas appropriate for smaller scale, multi-use and mixed-use buildings and neighborhood serving uses."*

### **Site Plan Approval:**

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

As conditioned, the Board finds that the proposal does not produce any impacts that require mitigation.

### **Household Living Special Permit:**

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

The Board believes the development site to be highly suitable for residential uses due to the walkability, transit access of the site as well as the amenities available in nearby Davis Square.

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

The development proposal includes two (2) studio apartments, twelve (12) one-bedroom units, five (5) one-bedroom plus study units and three (3) two-bedroom units. The unit mix is consistent with recent housing studies that identified 92% of demand for new market-rate units as from singles, childless couples, empty nester, and retirees.

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

There were no previously existing ADUs on the site.

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

There are thirteen (13) proposed motor vehicle parking spaces to be offered in the underground structured parking. The proposal is compliant with the transit area maximum of one space per dwelling unit (1/DU). This proposal is nine (9) motor vehicle spaces below what is allowed for this site.

## **DECISION**

Following public testimony, review of the submitted plans, and discussion of the statutorily required considerations, Vice Chair Aboff moved to approve the **SITE PLAN APPROVAL**. Clerk Buchanan seconded. The Board voted **4-0** 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.
- At least four (4) accessory vehicular parking spaces must be offered annually to all ADU households as a right of first refusal until each parking space is either rented or refused.
- Formal acknowledgment that resident are ineligible for on-street Residential Parking Permits, subject to the regulations of the Somerville Traffic Commission, must be recorded with the Middlesex South Registry of Deeds.
- Dwelling units must be advertised as ineligible for on-street Residential Parking Permits, subject to the regulations of the Somerville Traffic Commission.
- 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. This decision must be recorded with the Middlesex South Registry of Deeds.

- Utility meters are not permitted on any façade or within the frontage area of the lot.

#### Prior to Building Permit

- 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.
- A copy of the Recorded Decision stamped by the Middlesex South Registry of Deeds must be submitted for the public record.
- 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.
- An updated Transportation Access Plan consistent with the approved Mobility Management Plan must be submitted for review and approval by the Director of Mobility prior to applying for a building permit.
- Product details and design specifications for the number (22) long-term bicycle parking spaces must be submitted to confirm compliance with Section 11.1 Bicycle Parking of the Somerville Zoning Ordinance prior to applying for a building permit.
- Final sidewalk design to address the allocation of space including the location of bike parking and street trees, and size of the curb cut radius along Highland Ave must be approved by relevant City departments prior to applying for a building permit.
- All Stage 2 documentation required by the LEED Certifiability Requirements must be submitted to the Office of Sustainability & Environment and must include the following:
  - A description of how the building could eventually produce net-zero GHG emissions.
- 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 luminaires; total site lumen limit table (calculations from the SZO); lighting fixture schedule indicating the fixture type, description, lum 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.
- Final tree species selection must be reviewed by Public Space and Urban Forestry staff to confirm an appropriate range of tree species for the site.

#### Prior to Certificate of Occupancy

- All Step 3 documentation required by the LEED Certifiability Requirements must be submitted to the Office of Sustainability & Environment.
- 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, Vice Chair Aboff moved to approve the **HOUSEHOLD USE SPECIAL PERMIT**. Clerk Buchanan seconded. The Board voted **4-0** to approve the permit, subject to the following conditions:

Perpetual

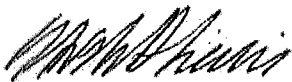
- A deed restriction limiting the sale or rental of all affordable dwelling units to eligible households in perpetuity must be executed and recorded with the Middlesex South Registry of deeds.

Prior to Certificate of Occupancy

- An affordable housing implementation plan (AHIP) must be submitted to the Director of Housing prior to applying for a Certificate of Occupancy.

Attest, by the Planning Board:

Amelia Aboff, *Vice Chair*  
Rob Buchannan, Clerk  
Erin Geno  
Debbie Howitt Easton



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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 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