



City of Somerville

PLANNING BOARD

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

2022 JAN -6 A 8:30

DECISION

PROPERTY ADDRESS: 73 Summer Street
CASE NUMBER: P&Z 20-003
OWNER: First Summer 73, LLC
OWNER ADDRESS: 20 Woodward Street Newton, MA 02451
DECISION: Approved with Conditions (SPA)
Approved (SP)
DECISION DATE: December 16, 2021

CITY CLERK'S OFFICE
SOMERVILLE, MA

This decision summarizes the findings made by the Planning Board (the "Board") regarding the Use Special Permit submitted for 73 Summer Street.

LEGAL NOTICE

First Summer 73 LLC proposes to construct a 3-story LEED Gold apartment building and establish a Household Living principle use for twenty-seven (27) dwelling units in the MR3 zoning district. This proposal requires Site Plan Approval and a Special Permit.

RECORD OF PROCEEDINGS

On October 7, 2021, 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 Board Members Chair Michael A. Capuano, Vice Chair Amelia Aboff, Clerk Rob Buchanan, Erin Geno, Debbie Howitt Easton, and Jahan Habib. Architect Ryan Spragg with Embarc Design, and members of Trax Development Nick Ogonowsky and Ryan Speaker presented an overview of their proposal for a 3-story LEED Gold apartment building. The Board heard comments from members of the public and left written testimony open until October 15 at 12 pm. The Board then began to deliberate. Clerk Buchanan questioned whether additional street trees could be added and whether the transformer could be screened in some way. The applicant expressed those additional trees could limit visibility at the intersection and that screening the transformer would limit access by workers. Vice Chair Aboff and Board Member Erin Geno voiced concerns regarding delivery package drop-off, both in terms of not wanting to see packages left outside, and delivery vehicles impeding right-of-way safety. Chair Capuano expressed serious concerns about the corner massing and materiality of the building as appearing brutalist and out of context in the neighborhood. He requested a new design be proposed that would break the corner massing in scale and avoid the use of large format concrete-looking materials. These concerns were echoed by Board Member Jahan Habib and Clerk Buchanan. Chair Capuano requested the applicants return to the Board with an updated proposal addressing their concerns. The Board continued the public hearing.

On December 16, 2021, the Board resumed the public hearing. Present and sitting at the public hearing were Board Members Chair Michael A. Capuano, Vice Chair Amelia Aboff, Clerk Rob Buchanan, Jahan Habib, Erin Geno, and Russell Pildes. The applicants presented their updated proposal. The Board heard comments from the public since there were substantial changes. The updated proposal included a revised façade design and different materials, to produce a more contextual building. The applicants also proposed integrating a delivery truck drop-off location in the garage ramp, as well as a technology solution and dedicated mail room for package safety. After the Board asked clarifying questions regarding the changes, Chair Capuano and other members of the Board responded positively to the applicant's responsiveness to their previous feedback. Vice Chair Aboff had further concerns that the façade still had too much material variety. Chair Capuano requested a condition be added prompting further review of materials by City staff. Board Member Erin Geno and others still had concerns regarding right-of-way safety, particularly for cyclists, and requested a condition be added requesting further review and coordination with the appropriate City departments for further improvements.

SITE PLAN APPROVAL + SPECIAL PERMIT FINDINGS

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

The Board finds that the proposal supports the objectives of SomerVision 2040, the comprehensive plan of the City of Somerville including, but not limited to, the following:

- Increase the overall housing supply and the number of affordable housing units available in Somerville with the goals of increasing both affordability 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.
 - Reduce the carbon footprint of Somerville's building supply through green technology and energy efficiency.
 - Celebrate and enhance the unique character of Somerville's neighborhoods.
2. *The intent of the zoning district where the property is located.*

The Board finds that the proposal is consistent with the intent and purpose 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 uses."

Site Plan Approval

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

As conditioned, the Board finds 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 finds the development site to be highly suitable for residential use due to walkability, transit access, and the amenities available in nearby Union Square.

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

The development includes a diverse mix of units with three (3) studio apartments, ten (10) one-bedroom units, eleven (11) two-bedroom units, and three (3) three-bedroom units. The unit mix is consistent with recent housing studies that identified 92% of demand for market-rate units is from singles, childless couples, empty nesters, and retirees.

6. *The increase or decrease in the number of 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 eighteen (18) proposed motor vehicle parking spaces to be offered in underground structured parking. The proposal is compliant with the transit area one per dwelling (1/DU) unit the maximum number of motor vehicle parking spaces allowed.

DECISION

Following public testimony, review of the submitted plans, and discussion of the statutorily required considerations, Chair Capuan, seconded by Vice Chair Aboff, moved to approve the **Special Permit to establish a Household Living use**. The Board voted 6-0 to approve the permit, subject to the following conditions:

Prior to Building Permit

- 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.

Following public testimony, review of the submitted plans, and discussion of the statutorily required considerations, Chair Capuan, seconded by Vice Chair Aboff, moved to approve the **Site Plan Approval**. The Board voted **6-0** 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 acknowledgement that residents 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.
- 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.
- 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 facade 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 & Zoning Division for the public record.
- A copy of the recorded Decision stamped by the Middlesex South Registry of Deeds must be submitted to the Planning & Zoning Division for the public record.

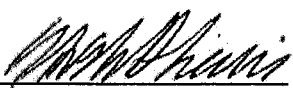
- Materials specifications from suppliers must be submitted to confirm fenestration glazing is compliant with the VLT and VLR ratings required by the Somerville Zoning Ordinance.
- The property owner and applicable future tenants shall comply with the Mobility Management Plan as approved and conditioned by the Director of Mobility on November 20, 2020.
- All Step 2 documentation required by the LEED Certifiability Requirements must be submitted to the Office of Sustainability & Environment.
- 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, 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.
- A final design of the frontage area provided for sidewalks along Summer Street and School Street must be approved by relevant City Departments to maximize right-of-way safety.
- A final selection of exterior materials and colors must be submitted to the Director of Planning & Zoning for review and approval.

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.

Attest, by the Planning Board:

Michael A. Capuano, *Chair*
Amelia Aboff, *Vice Chair*
Rob Buchannan, *Clerk*
Erin Geno
Jahan Habib
Russell Pildes



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 _____ 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 _____