



City of Somerville

PLANNING BOARD

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

DECISION

PROPERTY ADDRESS:	15 McGrath Highway	2022 MAR 28 A 11: 33
CASE NUMBER:	P&Z 21-062	
OWNER:	15 McGrath Hwy Owner LLC	CITY CLERK'S OFFICE
	C/O Leggat McCall Properties, LLC	SOMERVILLE, MA
OWNER ADDRESS:	10 Post Office Sq, Boston, MA 02109	
DECISION:	Approved with Conditions (Site Plan Approval)	
DECISION DATE:	March 17, 2022	

This decision summarizes the findings made by the Planning Board (the "Board") regarding the development review application submitted for 15 McGrath Hwy.

LEGAL NOTICE

15 McGrath Hwy Owner LLC proposes to construct a LEED Platinum Lab Building in the High Rise district, which requires Site Plan Approval.

RECORD OF PROCEEDINGS

On February 2, 2022, 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, Clerk Rob Buchanan, Jahan Habib, Erin Geno, Russel Pildes, and Alternate Debbie Howitt Easton. The applicant team presented an overview of the project. The Board took public testimony, and left written testimony open until February 10, 2022. The Board asked the Applicant to examine ways of making the rear elevation, which faces the newly constructed Community Path, more engaging. The Board asked Staff for information regarding past zoning changes and any long-range planning efforts in the area. The Board continued the public hearing.

On February 17, 2022, the Board resumed the public hearing. Present and sitting at the public hearing were Board Members Chair Michael Capuano, Clerk Rob Buchanan, Jahan Habib, and Alternate Debbie Howitt Easton. The Applicant presented the changes they had made to the design since the previous meeting. Staff addressed the Board's questions from the previous meeting. The Board continued the public hearing.

On March 17, 2022, the Board resumed the public hearing. Present and sitting at the public hearing were Board Members Chair Michael Capuano, Clerk Rob Buchanan, Jahan Habib, Erin Geno, Russel Pildes, and Alternate Debbie Howitt Easton. The Applicant provided a brief summary of updates since the last hearing and answered questions the Board asked regarding parking ratios and planting plans.

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:

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

The Board finds that this project supports the goals laid out in SomerVision 2040, the City's comprehensive master plan, including the following:

- Build a sustainable future through climate leadership [and] balanced transportation [...].
- 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 this project supports the intent of the HR zoning district which is, in part, "[t]o accommodate the development of areas appropriate for an intense mix of multi-story multi-unit, mixed-use, and commercial buildings; neighborhood-, community-, and region-serving uses; and a wide variety of employment opportunities."

The Board also finds that this project supports the intent of the wider zoning ordinance, including the following:

- To increase commercial tax base in support of the fiscal health of the City.
- To capture a fiscal return on investments made in transportation infrastructure by locating higher intensity development, employment opportunities, and a broad mix of uses along major corridors and within walking distance of transit stops.
- To preserve and enhance the design of Somerville's public realm.
- To encourage the use of public transportation, bicycling, and walking in lieu of motor vehicle use when a choice of travel mode exists.
- To require a strong connection and gradual transition between the public realm (sidewalks, thoroughfares, and civic spaces) and private realm (yards and building interiors).

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

The Board finds that, as conditioned, the proposal does not create any impacts which require mitigation. The approved Mobility Management Plan and the improvements to the public realm proposed as part of this project are essential to alleviating negative impacts caused by this project on the surrounding transportation network. The Applicant's continued coordination with City Staff is necessary to successfully finalize and implement these mitigation strategies.

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 a 9-story LEED-Platinum Lab Building. Clerk Buchanan seconded. The Board voted **5-0** to approve the permit, subject to the following conditions:

Perpetual

1. The commercial parking facility must have a parking access and revenue control system to manage vehicular access and collect parking revenues from patrons.
2. An annual report, including documentation of any changes to the layout plan or operations plan of the parking facility, must be submitted to the Mobility Division to validate continued compliance with the Somerville Zoning Ordinance, this Decision, and the Director of Mobility's standards for monitoring and annual reporting.
3. A sign must be provided near the vehicular entrance to the parking structure or lot that identifies, at minimum, the number of spaces available in real time.
4. The underground structured parking must be operated as a Commercial Parking facility principal use.
5. 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.
6. Development must comply with the Development Covenant by and between the City of Somerville and 15 McGrath Hwy Owner, LLC dated March 17, 2022, as amended.
7. 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.
8. The property owner and applicable future tenants shall comply with the Mobility Management Plan submitted June 23, 2021, as approved and conditioned by the Director of Mobility.
9. This Decision must be recorded with the Middlesex South Registry of Deeds.
10. 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.
11. Frontage area provided for a widened sidewalk along McGrath Hwy must be designed and paved to properly correspond with any sidewalk improvements approved within the public right-of-way.
12. Utility meters are not permitted on any facade or within the frontage area of the lot.

Prior to Building Permit

13. A layout plan identifying all parking access and revenue control features for the parking facility must be submitted to the Director of Mobility for approval prior to applying for a Building Permit.
14. Construction documents must be substantially equivalent to the approved plans and other materials submitted for development review.
15. 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.
16. 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.
17. One (1) physical copy of the original application materials and one (1) digital and (1) physical copy of all required application materials reflecting any physical changes required by the Board, if applicable, must be submitted to the Planning, Preservation & Zoning Division for the public record.
18. A copy of the recorded Decision stamped by the Middlesex South Registry of Deeds must be submitted to the Planning, Preservation & Zoning Division for the public record.
19. All Stage 2 documentation required by the Office of Sustainability & Environment's LEED Certifiability Requirements.


Prior to Certificate of Occupancy

20. The initial operations plan for the Commercial Parking facility identifying, at least, the type and pricing of various passes, rates, and fees must be submitted to the Director of Mobility.
21. A covenant or other deed restriction agreeing to pay the housing linkage fee must be executed and recorded with the Middlesex South Registry of Deeds
22. 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
23. A written narrative or descriptive checklist identifying the completion or compliance with permit conditions must be to the Inspectional Services Department at least ten (10) working days in advance of a request for a final inspection.
24. All Stage 3 documentation required by the Office of Sustainability & Environment's LEED Certifiability Requirements.
25. To mitigate transportation impacts, a new crosswalk must be installed on the east side of the Rufo Road/McGrath Hwy intersection, across McGrath Hwy. Final design must be approved by relevant City Departments and MA State Departments & Agencies.
26. To mitigate transportation impacts, a dedicated left-turn only lane into the eastern driveway must be created on the eastbound side of McGrath. Final design must

- be approved by relevant City Departments and MA State Departments & Agencies.
27. To mitigate transportation impacts, a bus shelter with a bench, electric heater, and next-bus arrival e-sign must be installed along McGrath Hwy frontage. Final design must be approved by relevant City Departments and MA State Departments & Agencies.
28. To mitigate transportation impacts, a pedestrian island must be added to the existing crosswalk on the west side of the Rufo Road/McGrath Hwy intersection, across McGrath Hwy. Final design must be approved by relevant City Departments and MA State Departments & Agencies.
29. To mitigate transportation impacts, a traffic signal warrant analysis for the intersection of McGrath Hwy and the left-side driveway access must be submitted to the Mobility Division. If the Director of Mobility or MA State Departments & Agencies determines that a traffic signal is warranted, the intersection must be improved with the necessary signal infrastructure. Final design must be approved by relevant City Departments and MA State Departments & Agencies.

Attest, by the Planning Board:

Michael Capuano, *Chair*
Rob Buchannan, *Clerk*
Jahan Habib
Erin Geno
Russel Pildes, *Alternate*
Debbie Howitt Easton, *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 _____ 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 _____