



City of Somerville

# PLANNING BOARD

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

## DECISION

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**PROPERTY ADDRESS:** 13-15 McGrath Hwy & 17-21 McGrath Hwy  
**CASE NUMBER:** P&Z 21-150  
**OWNER:** 15 McGrath Hwy Owner, LLC  
C/O Leggat McCall Properties LLC  
**OWNER ADDRESS:** 10 Post Office Sq, Boston, MA 02109  
**DECISION:** Approved with Conditions (Site Plan Approval)  
**DECISION DATE:** October 6, 2021

Pursuant the Somerville Planning Board's Rules of Procedure & Policy, land platting involving only a lot split, lot merger, or lot line adjustment as defined by the Somerville Zoning Ordinance requires only Minor Site Plan Approval, with the Director of Planning, Preservation & Zoning serving as the decision-making authority in-lieu of the Planning Board.

This decision summarizes the findings made by the Director of Planning, Preservation & Zoning regarding the development review application submitted for 13-21 McGrath Hwy.

### SUMMARY OF PROPOSAL

15 McGrath Hwy Owner, LLC proposes to merge MBL 115-B-6 and MBL 115-B-7 into one contiguous lot.

### RECORD OF PROCEEDINGS

On October 6, 2021 the Director of Planning, Preservation & Zoning reviewed the submitted application materials.

### FINDINGS

In accordance with the Somerville Zoning Ordinance and the Planning Board's Rules of Procedure and Policies for minor site plan approvals, the Director of Planning, Preservation & Zoning 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 Director finds that the proposal supports the objectives of SomerVision, the comprehensive Master Plan of the City of Somerville, including, but not limited to "[f]acilitate thoughtfully-designed, pedestrian-oriented mixed-use development and reuse opportunities in commercial corridors[...]."

*2. The intent of the zoning district where the property is located.*

The purpose of the High Rise district 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 [...]” The Director finds that the proposed lot merger is consistent with the intent of the High Rise zoning district, as it will permit the development of a large floor plate building on the combined parcel.

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

The Director finds that there are no impacts attributable to the proposed development that require mitigation.

## **DECISION**

Following review of the submitted application materials and the statutorily required considerations, the Director of Planning, Preservation & Zoning **APPROVED** the Site Plan Approval for a lot merger on behalf of the Planning Board, subject to the following conditions:

### **Perpetual**

1. Recording of this Decision and endorsed plan of land is prohibited until the existing principal building on 13-15 McGrath is demolished.
2. Recording of this Decision and endorsed plan of land is prohibited until the existing principal building on 17-21 McGrath Hwy is demolished.

### **Prior to Construction Permitting**

3. This Decision must be recorded with the Middlesex County Registry of Deeds prior to applying for a Building Permit.
4. A copy of the Recorded Decision stamped by the Middlesex South Registry of Deeds must be submitted for the public record.



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 \_\_\_\_\_