



CITY OF SOMERVILLE, MASSACHUSETTS
MAYOR'S OFFICE OF STRATEGIC PLANNING & COMMUNITY DEVELOPMENT
JOSEPH A. CURTATONE
MAYOR

MICHAEL F. GLAVIN
EXECUTIVE DIRECTOR

PLANNING DIVISION

PLANNING BOARD MEMBERS

MICHAEL A. CAPUANO, CHAIRMAN
JOSEPH FAVALORO, CLERK
DOROTHY A. KELLY GAY
REBECCA LYN COOPER
GERARD AMARAL, (ALT.)

Case #: PB 2018-13
Site: 9 & 39 Medford St
Date of Decision: September 6, 2018
Decision: Petition Approved with Conditions
Date Filed with City Clerk: September 11, 2018

PLANNING BOARD DECISION

Applicant / Owner Name: Somerville Millbrook Associates, LLC
Applicant / Owner Address: 280 Congress Street, Suite 1350, MA 02110
Agent Name: Adam Dash
Agent Address: 48 Grove Street, Suite 304 Somerville, MA 02144
Alderman: J. T. Scott

Legal Notice: Applicant/Owner, Somerville Millbrook Associates, LLC, seek a Special Permit under SZO §6.5.D.5 to expand an existing roof deck by 392 square feet, add a pergola for shade, install electric grills, and relocate the green roof. TOD 100. Ward 2.

<u>Zoning District/Ward:</u>	TOD 100. Ward 2.
<u>Zoning Approval Sought:</u>	§6.5.D.5
<u>Date of Application:</u>	July 18, 2018
<u>Date(s) of Public Hearing:</u>	September 6, 2018
<u>Date of Decision:</u>	September 6, 2018
<u>Vote:</u>	5-0

Appeal #PB 2018-13 was opened before the Planning Board at Somerville City Hall on September 6, 2018. Notice of the Public Hearing was given to persons affected and was published and posted, all as required by M.G.L. c. 40A, sec. 11 and the Somerville Zoning Ordinance. On September 6, 2018, the Planning Board took a vote.



CITY HALL • 93 HIGHLAND AVENUE • SOMERVILLE, MASSACHUSETTS 02143
(617) 625-6600 EXT. 2500 • TTY: (617) 666-0001 • FAX: (617) 625-0722
www.somervillema.gov

I. DESCRIPTION:

This proposal is to expand the existing roof deck by 392 square feet. The expansion includes a pergola to give the deck much needed shade, as well as to install electric grills. The displaced portions of the green roof will be located to other areas of the roof, namely the roof of the stair/elevator penthouse, and increase the planted area by approximately 8 sf.

II. FINDINGS FOR SPECIAL PERMIT (SZO §5.1):

In order to grant a special permit, the SPGA must make certain findings and determinations as outlined in §5.1.4 of the SZO. This section of the report goes through §5.1.4 in detail.

1. **Information Supplied:**

The Board finds that the information provided by the Applicant conforms to the requirements of §5.1.2 of the SZO and allows for a comprehensive analysis of the project with respect to the required Special Permits.

2. **Compliance with Standards:** *The Applicant must comply "with such criteria or standards as may be set forth in this Ordinance which refer to the granting of the requested special permit."*

Nature of Application: alteration to a lawfully existing non-conforming structure in TOD-100.

There is no change to the originally approved dimensional requirements.

In considering a special permit under §4.4 or 4.5 of the SZO, the Board do not find that the alterations proposed would not be substantially more detrimental to the neighborhood than the existing structure. The roof deck expansion and pergola will not be readily visible from any public right-of-way. As this is an alteration rather than new development, the standards of 6.5.G *Development Standards for New Developments in TODs* applied to the original approval but do not apply to this proposal.

3. **Consistency with Purposes:** *The Applicant has to ensure that the project "is consistent with (1) the general purposes of this Ordinance as set forth in Article 1, and (2) the purposes, provisions, and specific objectives applicable to the requested special permit which may be set forth elsewhere in this Ordinance, such as, but not limited to, those purposes at the beginning of the various Articles."*

The proposal is consistent with the general purposes of the Ordinance as set forth under §1.2, which includes, but is not limited to "promote the health, safety, and welfare of the inhabitants of the City of Somerville; to provide for and maintain the uniquely integrated structure of uses in the City; to provide adequate light and air; to prevent the overcrowding of land; to facilitate the adequate provision of transportation, water, sewerage, schools, parks and other public requirements; to conserve the value of land and buildings; to preserve the historical and architectural resources of the City; to encourage the most appropriate use of land throughout the City; to protect and promote a housing stock that can accommodate the diverse household sizes and life stages of Somerville residents at all income levels, paying particular attention to providing housing affordable to individuals and families with low and moderate incomes; and to preserve and increase the amenities of the municipality."

The proposal is consistent with the purpose of the district, which is, “to encourage mixed-use transit-oriented development with well-designed pedestrian access near transit connections and commercial squares. In response to different neighborhood contexts, TODs have been created featuring various heights, densities, and compatible use mixes. In order to be aesthetically, economically, environmentally and socially beneficial, projects in the Districts shall promote a mix of uses both within buildings and across the districts. Moderate to high-density developments will include commercial, residential, and institutional cores complemented by pedestrian-oriented retail and business services, and in some districts, compatible industrial uses. Parking, where provided, will be housed within structured parking facilities. In a dynamic commercial center, changes in tenancy and use are expected. Therefore, the TODs are designed to be responsive to changing market conditions while maintaining high standards for building design and construction.”

4. Site and Area Compatibility: *The Applicant has to ensure that the project "(i)s designed in a manner that is compatible with the characteristics of the built and unbuilt surrounding area, including land uses."*

Surrounding Neighborhood: The property is located in the southernmost part of Somerville and 50 feet from the Cambridge line. The property is southeast of Boynton Yards and southwest of the Inner Belt and Brickbottom neighborhoods. The area has little neighborhood definition. The largest neighborhood destination is Twin City Plaza, just south of the site, which is partially in Cambridge. There is a small residential pocket of multi-family homes northwest of the site.

Impacts of Proposal (Design and Compatibility): The original project was the adaptive re-use of an existing building which terminated a storage use that did not contribute to the vibrancy of the area or provide a significant job center. This proposal to expand the roof deck and add a pergola is compatible with the existing roof deck and is not visible from Medford Street.

The proposal must be reviewed in accordance with 6.5.H. Design Guidelines for the TODs. However, as they provide general standards for building massing, siting, and articulation, the limited scope of this proposal may not be able to comply with all of the following Guidelines. There are only two of the required guidelines that are applicable to this proposal;

12. All rooftop-building systems, including wireless communications facilities, should be incorporated into the building form in a manner integral to the building architecture, including screening with materials that harmonize with buildings' exterior finishes.

All roof-top materials are setback from the building edge including the roof deck and the expansion.

17. Usable Open Space should be located to support public gathering. To the extent possible, usable open space should be designed to appear as an extension of existing public space, through consistency in design and materials. The provision of an interconnected series of open space to support pedestrian movement is encouraged.

The roof deck not a public usable open space but is a building amenity which allows residents to gather and relax.

5. Adverse environmental impacts: *The proposed use, structure or activity will not constitute an adverse impact on the surrounding area resulting from: 1) excessive noise, level of illumination, glare, dust, smoke, or vibration which are higher than levels now experienced from uses permitted in the*



surrounding area; 2) emission of noxious or hazardous materials or substances; 3) pollution of water ways or ground water; or 4) transmission of signals that interfere with radio or television reception.

Impacts of Proposal (Environmental): There were no environmental impacts generated by the residential building and will be no additional caused by this proposal.

6. Vehicular and pedestrian circulation: *The circulation patterns for motor vehicles and pedestrians which would result from the use or structure will not result in conditions that create traffic congestion or the potential for traffic accidents on the site or in the surrounding area.*

Impacts of Proposal (Circulation): No change.

7. Housing Impact: *Will not create adverse impacts on the stock of existing affordable housing.*

No change.

8. SomerVision Plan: *Complies with the applicable goals, policies and actions of the SomerVision plan, including the following, as appropriate: Preserve and enhance the character of Somerville's neighborhoods, transform key opportunity areas, preserve and expand an integrated, balanced mix of safe, affordable and environmentally sound rental and homeownership units for households of all sizes and types from diverse social and economic groups; and, make Somerville a regional employment center with a mix of diverse and high-quality jobs. The areas in the SomerVision map that are designated as enhance and transform should most significantly contribute towards the SomerVision goals that are outlined in the table below. The areas marked as conserve are not expected to greatly increase the figures in the table since these areas are not intended for large scale change.*

<u>SomerVision Summary</u>	<u>Existing</u>	<u>Proposed</u>
<i>Dwelling Units:</i>	100	0
<i>Affordable Units:</i>	15	0
<i>Commercial Sq. Ft.:</i>	0 (7000sf Arts-Related Uses)	0
<i>Estimated Employment:</i>	unknown	0
<i>Parking Spaces:</i>	100	0
<i>Publicly Accessible Open Space:</i>	approx. 3000sf	0

9. Impact on Affordable Housing: *In conjunction with its decision to grant or deny a special permit for a structure of four or more units of housing, the SPGA shall make a finding and determination as to how implementation of the project would increase, decrease, or leave unchanged the number of units of rental and home ownership housing that are affordable to households with low or moderate incomes, as defined by HUD, for different sized households and units.*

No change.

III. DECISION:

Present and sitting were Members Joseph Favaloro, Rebecca Lyn Cooper, Gerard Amaral, Michael Capuano, and Dorothy Kelly Gay. Upon making the above findings, Dorothy Kelly Gay made a motion to



approve the request for a Special Permit. Rebecca Lyn Cooper seconded the motion. The Planning Board voted **5-0** to **APPROVE** the request. In addition the following conditions were attached:

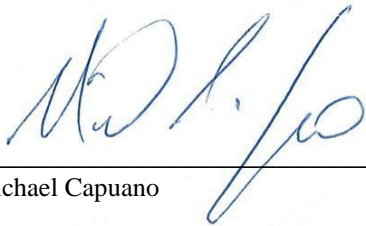
#	Condition	Timeframe for Compliance	Verified (initial)	Notes				
1	Approval is for the expansion of the roof deck and the addition of a pergola and electric grills. This approval is based upon the following application materials and the plans submitted by the Applicant:	BP/CO	ISD/Plng.					
	<table><tr><th>Date (Stamp Date)</th><th>Submission</th></tr><tr><td>July 18, 2018</td><td>Initial application submitted to the City Clerk's Office</td></tr></table>				Date (Stamp Date)	Submission	July 18, 2018	Initial application submitted to the City Clerk's Office
	Date (Stamp Date)				Submission			
July 18, 2018	Initial application submitted to the City Clerk's Office							
Any changes to the approved plan that are not <i>de minimis</i> must receive SPGA approval.								
Construction Impacts								
2	The applicant shall post the name and phone number of the general contractor at the site entrance where it is visible to people passing by.	During Construction	Plng.					
3	Approval is subject to the Applicant's and/or successor's right, title and interest in the property.	Cont.	Plng.	Deed submitted & application form signed				
4	The Applicant shall develop a demolition plan in consultation with the City of Somerville Inspectional Services Division. Full compliance with proper demolition procedures shall be required, including timely advance notification to abutters of demolition date and timing, good rodent control measures (i.e. rodent baiting), minimization of dust, noise, odor, and debris outfall, and sensitivity to existing landscaping on adjacent sites.	Demolition Permitting	ISD					
Design								
5	Applicant shall provide final material samples and equipment specification sheets to Planning Staff for review and approval prior to the issuance of a building permit.	BP	Plng.					
6	Electrical outlets and/or connections for the electric grills must have ground fault interrupts.	BP	Wiring Inspector					
Miscellaneous								
7	The Applicant, its successors and/or assigns, shall be responsible for maintenance of both the building and all on-site amenities, including landscaping, fencing, lighting, parking areas and storm water systems, ensuring they are clean, well kept and in good and safe working order.	Cont.	ISD					
Public Safety								
8	The Applicant or Owner shall meet the Fire Prevention Bureau's requirements.	CO	FP					
9	Per Somerville fire safety regulations, gas grills, charcoal barbecues, chimineas and the like are NOT permitted on decks or porches.	Perpetual	FP/ISD					

10	To the extent possible, all exterior lighting must be confined to the subject property, cast light downward and must not intrude, interfere or spill onto neighboring properties.	CO	Plng.	
----	---	----	-------	--

Attest, by the Planning Board:



Joseph Favaloro



Michael Capuano



Dorothy A. Kelly Gay



Rebecca Lyn Cooper



Gerard Amaral

Copies of this decision are filed in the Somerville City Clerk's office.
Copies of all plans referred to in this decision and a detailed record of the
SPGA proceedings are filed in the Somerville Planning Dept.

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. 3.2.10.

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.

Signed _____ City Clerk Date _____

