



CITY OF SOMERVILLE, MASSACHUSETTS
MAYOR'S OFFICE OF STRATEGIC PLANNING & COMMUNITY DEVELOPMENT
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PLANNING DIVISION

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ELIZABETH MORONEY
JERRY AMARAL, (ALT.)

Case #: PB 2013-05
Site: 771 McGrath Highway
Date of Decision: December 11, 2014
Decision: Petition Approved with Conditions
Date Filed with City Clerk: December 18, 2014

PLANNING BOARD DECISION

Applicant Name:	CPC-T Holdings, LLC, Attn: John J. Englert
Applicant Address:	1601 Trapelo Road, Suite 280, Waltham, MA 02451
Property Owner Name:	Stop & Shop Supermarket Company, LLC, Attn: Kirk Jackson
Property Owner Address:	1385 Hancock Street, Quincy, MA 02169
Agent Name:	Joshua Davis, Esq.
Agent Address:	Davis Law LLC, 238 Lewis Wharf, Boston, MA 02110

Legal Notice: Applicant, CPC-T Holdings, LLC, and Owner, The Stop & Shop Supermarket Company LLC, seek an amendment to a Planned Unit Development Preliminary Master Plan (PUD-PMP) approved by the Planning Board on Sept 6, 2001 and Nov 1, 2001 under SZO §16.11 to construct a 75-unit residential building. Waivers are requested for a reduction in the requirement for landscaped area, signage area and height and reduced setbacks under SZO §16.5.4 and 16.5.5*.

<u>Zoning District/Ward:</u>	BA/PUD-B zone – Ward 1
<u>Zoning Approval Sought:</u>	§16.11, §16.5.4 & §16.5.5
<u>Date of Application:</u>	February 5, 2013
<u>Date(s) of Public Hearing:</u>	3/7/14-12/11/14
<u>Date of Decision:</u>	December 11, 2014
<u>Vote:</u>	5-0



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Appeal #PB 2013-05 was opened before the Planning Board at Somerville City Hall on March 7, 2014 and discussion again on October 16, 2014 and December 11, 2014. 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. After two hearings of deliberation, the Planning Board took a vote.

DESCRIPTION:

The proposal is to amend the Planned Unit Development Master Plan to change the building form and the use of the 25,000 square foot office building that was part of the original approval.

Under §16.8 of the SZO, an “[a]pplication for PUD is a type of special permit with site plan review, requiring two stages of review. A PUD applicant shall first file a preliminary master plan demonstrating a comprehensive land use plan for the entire PUD tract. Upon approval of this plan, the applicant may then submit special permit with site plan review applications for definitive plans of each portion or phase of development of the PUD tract.” It is important at this point to note that under the SZO, approval of a PUD preliminary master plan “shall not be constructed as final authorization of development.” By their very nature, many of the details of a project will need to be resolved in subsequent stages of review. Nonetheless, approval of a preliminary master plan, with or without conditions, is deemed an approval of the proposed (or conditioned) plans with respect to FAR, density, general types of uses, building coverage, generalized open space plans, and infrastructure systems. As such, it may be considered a binding approval and is only granted if the Board is satisfied that the proposed plan conforms to the purposes and standards of the SZO.

Major changes are defined in §16.11.2 as any change that is not minor and minor is defined as a change which does not propose any new general type of use beyond those approved initially, does not increase the building ground coverage, floor area ratio or residential density of the PUD, does not decrease any specified area regulations or enumerated parking ratios, nor substantially change access, circulation, or infrastructure on or adjacent to the site. Since the proposal changes all of these items, it is a major change that is processed through the normal PUD special permit with site plan review procedure, requiring public hearings before the SPGA and full review of compliance with the requirements of this Ordinance. Only the SPGA, or Planning Board in this case, shall have the authority to make a major amendment to the PUD plan.

The request in the application to extend the limits of the PUD to the centerline of Cross Street East adjacent to the subject property is not going to be evaluated as part of this application. Changing the zoning map would require Board of Alderman approval and is not needed as part of this proposal.

The proposal is for a 75-unit residential building including 9 affordable units and 1 model unit. The number of units and design of the building has changed greatly since the SPSR application was submitted to the Planning Department in 2013. The Applicants have been meeting with neighbors and responding to concerns about the increase density in the neighborhood, massing of the building, traffic, parking, and access from Cross Street East among others. The number of units has decreased from 121 and the form of the building has been designed to appear as modern triple-deckers in scale on the eastern side of the building that faces the neighborhood. The main pedestrian entrance is on Mystic Avenue and the garage entrances are on Garfield Street. The only vehicular access from Cross Street East to the site is for emergency vehicles.

The proposed building is 3-stories in height and there are stoops along the eastern side of the building. The unit mix includes 16 studios, 39 one-bedrooms, 14 two-bedrooms, and 6 three-bedrooms. The building footprint will be on the land currently owned by Stop & Shop.

Dimensions/Parking



DIMENSIONAL / PARKING REQUIREMENTS	PUD-B	Existing	Proposed PUD
Minimum lot size	75,000 sf	311,421 sf	311,421 sf
Front yard setback	15 ft	15.3 from McGrath	15.3
Side yard setback (left)	15 ft	178.3	21.5
Side yard setback (right)	15 ft	34.4	15
Rear yard setback	15 ft	392.8 from Cross	0 (waiver needed)
Rear yard setback abutting an RA district line	1/3 height but <15 ft	432.8	15
Maximum Floor area ratio (FAR)	3.0	0.26	0.46
Ground Coverage	65%	23.95%	37.57%
Maximum height, feet/stories	70 stories / 100 feet	28 / 2 stories	39.5/ 3 stories
Maximum height within 30 feet of RA district line 3 stories / 40 feet	3 stories / 40 feet	NA	39.5/ 3 stories
Minimum lot area/per dwelling unit	1000	NA	4152
Landscaped area*	20%	22.6%	17.6% (waiver needed)
Parking Total	Res (167) Comm (156) Total (323)	355	390
Bicycle Parking	41	6	36 (a condition will require at least 41)
Loading	4	5	5

* 50% of the landscaping is required to be usable open space.

Parking

Parking on the site will primarily be located in a garage on the ground floor of the building.

Landscaping / Usable Open Space

The Applicant is requesting that the City permanently close Cross Street East for non-emergency vehicles. This request is part of the proposed plan by the Applicant to renovate the street and old Harris Park. The City will retain ownership and the Applicant will build and maintain these spaces. The design of the park will be for passive uses to complement the active new Chuckie Harris Park down the street. The land on which the road is located and the park will be open to the public.

Waivers

The proposal also includes requests for waivers from a reduction in rear yard setback and a reduction in landscape area with full compliance of landscaped area on an abutting parcel. Both of these dimensions are met if considering the land that makes up Cross Street East and the old Harris Park; however, this land is not technically part of the PUD.

The minimum landscaped area for a PUD is 20 percent. Without Harris Park the total landscaped area will be 17.6%. Including the park and street right of way the amount of landscaped area will be 23.9%.



The minimum rear setback for a PUD is 15 feet. The building will be along the property line and the stairs and stoops overhang the right of way, which will be discontinued. The structure outside of the PUD boundary, which is a Business A district, such as the overhang of stoops and stairs, will be evaluated as part of the SPSR application.

FINDINGS FOR REVISION TO PUD-PMP:

A. General Application Requirements

Application requirements are identified in Section 16.8 of the SZO. Section 16.8.2 and 16.8.3 identifies the general information required for a preliminary PUD PMP approval and final level approval. Section 16.8.2.H and 16.8.3 identifies that the Special Permit with Site Plan Review requirements in Section 5.2 are required for both phases of approval. The Board finds the SPSR-A meets the application submittal requirements in the above listed sections. Detailed findings are contained in Appendix A.

B. Required Findings of Fact for PUD

Section 16.10.1 of the SZO indicates that PUD preliminary master plan approval shall be considered preliminary approval that recognizes that the plan is in general accordance with provisions of the Somerville Zoning Ordinance (SZO). Findings are then required under 16.1, 16.4, 16.5.3, 16.7 and 16.9 of the SZO. The Board determined that the PMP meets the required findings for a PUD PMP and indicated that some issues would require further review at the SPSR-A submittal. Detailed findings are contained in Appendix B.

C. Requirements for SPSR (SZO §5.2.5 and 5.1.4)

The SZO requires that the PMP be reviewed to ensure that projects under the PMP can meet the standards required for SPSR in the ordinance. Parts a-h of Section 5.2.5 must be addressed when SPSR-A requests are submitted. The Board finds that projects submitted for a revision to the PMP meets the findings required as identified in Appendix C.

D. Waiver Standards

The SPGA may waive dimensional standards required for PMP or Special Permit with Site Plan Review applications, if the SPGA finds that a waiver would result in a better site plan than the strict compliance with the stated standards, the PUD design furthers the Purpose and PUD Design Guidelines and the granting of such a waiver will not cause detriment to the surrounding neighborhood., per Section 16.5.4. The Board finds that the requested waivers from landscaped area and rear yard are acceptable. The Board finds that projects submitted for a revision to the PMP meets the findings required as identified in Appendix D.

DECISION:

Present and sitting were Members Kevin Prior, Joseph Favaloro, James Kirlyo, Michael Capuano, Dorothy Kelly Gay and Gerard Amaral. The Planning Board determined that the Preliminary Master Plan, as amended met the required findings, as addressed in Appendixes A, B, C and D of this decision. Kevin Prior made a motion to approve the amendment to the Preliminary Master Plan and approve the requested waivers. James Kirlyo seconded the motion. The Planning Board voted 4-1 to APPROVE the amendment and to approve the waivers requested from landscaped area and rear yard setback with Joseph Favaloro voting in opposition. The Planning Board incorporated the conditions in Appendix E and attached Appendix F that addresses the past conditions attached to the PUD-PMP.

This approval is based upon the Preliminary Master Plan Application stamped in at the City Clerk's Office on February 5, 2013. Approval constitutes an amendment of the Preliminary Master Plan to include the grocery store



that has already been constructed and 75-residential units on the eastern portion of the lot subject to the conditions of Appendix E, but does NOT constitute approval of final site or building design details, which shall be reviewed in subsequent Special Permits with Site Plan Review-A (SPSR-A) for individual phases of the development.

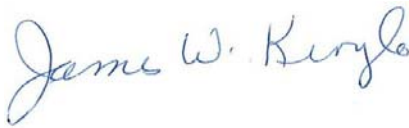
Attest, by the Planning Board:



Kevin Prior, Chairman



Joseph Favaloro



James Kerylo



Michael A. Capuano, Esq.



Dorothy A. Kelly Gay

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 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.

Signed _____ City Clerk Date _____



Appendix A: Application Requirements

<i>A.1: Procedures for PUD Applications - Supportive Information (SZO 16.8)</i>					
<i>Section</i>	<i>Required Finding</i>	<i>Met in PUD</i>	<i>Not Met</i>	<i>Met in SPSR</i>	<i>Comment</i>
16.8.2.A	A neighborhood context map, at a scale not less than one (1) inch equals one hundred (100) feet, providing a graphic description of the neighborhood in which the tract lies, including roads, utilities and other public facilities, major existing buildings and structures. There shall also be a statement and/or plan as to the general impact of the proposed PUD upon the area, indicating how the PUD relates to surrounding properties and what measures will be taken to create appropriate transitions and access from the subject property to abutting public properties (i.e. parks, waterfront, etc.) or other neighboring tracts (if applicable)	x			Included in application submission
16.8.2.B	A conceptual site plan drawn to a scale of not less than one (1) inch equaling fifty (50) feet, or series of drawings at the same scale, and any necessary supporting information	x			Included in application submission
16.8.2.C	Analysis of compliance with regulations as to dwelling units per square feet of lot area, height, building coverage, floor area ratio (FAR) and parking requirements	x			Lot area per dwelling unit is 4,152 sf, height 39.5 ft, building coverage 37.57%, FAR 0.46, and parking 390. These dimensions/standards meet the SZO requirements. See Proposal section of the report.
16.8.2.D	Names of all property owners within five hundred (500) feet of the PUD boundary	x			City staff generated list.

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Section	Required Finding	Met in PUD	Not Met	Met in SPSR	Comment
16.8.2.E	Explanation of provisions for the landscaping and maintenance of all open space and drainage areas	x			See Stormwater Management Memo for proposed conditions. A condition of approval is that there will be a maintenance agreement with the City that will require the Applicant and/or assessors or assigns to maintain the old Harris Park as a public park.
16.8.2.F	A traffic analysis and recommendations prepared by a registered professional engineer qualified to conduct such studies, including current traffic counts for streets surrounding the project, analysis of the existing capacity of those streets, projections of the amount of traffic that will be generated by the proposed development, and the ability of the thoroughfare system to absorb the increased traffic without decreasing the level of service below an acceptable level . . .	x			A traffic analysis was submitted that states that the proposal will not significantly impact traffic conditions in the area.

Section	Required Finding	Met in PUD	Not Met	Met in SPSR	Comment
16.8.2.G	A utilities analysis and recommendations prepared by a registered professional engineer qualified to conduct such studies. Said analysis shall contain an inventory of existing utilities including, but not limited to, storm sewers and drains, sanitary sewers, electrical lines, fire alarm boxes and lines, gas lines/mains, water mains, lighting, curb and gutter, etc. Said inventory shall illustrate utility locations, sizes, diameters, carrying capacity and present load on the system. The engineer's report shall state if the current system is capable of adequately serving the proposed development. If the current utility system is found to be inadequate for the proposed development, the report shall confirm the deficiencies and make recommendation(s) as to the infrastructure improvements necessary to properly service the proposed development and maintain the existing service. The report shall also present a formal plan for infrastructure improvements, documenting timing, funding mechanisms and coordination with the City	x			The existing drainage, utility & erosion control plan has been submitted. The proposed condition needs further review from City Departments during the SPSR review process.
16.8.2.H	All applicable information required for special permit with site plan review (See Article 5 of this Ordinance). This information may be submitted at a preliminary level, in consideration that PUD approval is a preliminary approval	x			See section A2, below

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Section	Required Finding	Met in PUD	Not Met	Met in SPSR	Comment
16.8.2.1	Any other supportive information the applicant feels may be beneficial to the City of Somerville in the evaluation of the request	x			Submitted with application.
A.2: General Information Required for SPSR Applications (SZO 5.2)					
Section	Required Finding	Met in PUD	Not Met	Met in SPSR	Comment
5.2.3.1	names, addresses, and telephone numbers of the applicant, the owner if other than the applicant, and other agents for the applicant, such as the architect, engineer and/or attorney, and the name and address of the proposed project	x			Included in application submission
5.2.3.2	plot plan certified by land surveyor indicating total land area, boundaries, angles, and dimensions of the site and a north arrow	x			The Existing Conditions Plan of Land, certified by Russell Bousquet, Land Surveyor depicts land area, boundaries, dimensions and a north arrow.
5.2.3.3	scaled site plans certified by a registered land surveyor, architect, landscape architect or engineer showing present and proposed use of land and existing buildings, if any; dimensions of existing and proposed structures; location and dimensions of any easements and public or private rights of way; and at grade parking and loading areas.	x			See Overall Site Plan, certified by Conor Nagle, PE. Existing easements are as follows: private right-of-way easement (known as Garfield Ave) running through the PUD parcel from Blakeley Ave to Mystic Ave. The City holds a utility easement over the existing sewer and drain lines where they extend through the PUD parcel, in the old alignment of Garfield Ave. An access and use limitation (AUL) exists on the eastern portion of the PUD parcel. The Applicant is working to eliminate this restriction.

Section	Required Finding	Met in PUD	Not Met	Met in SPSR	Comment
5.2.3.4	brief written description of the proposed project, such as proposed construction or demolition, all uses, who the project is intended to serve, expected number of employees, and/or occupants and methods and hours of operation, as applicable	x			There will be 75 residential units with a mix of studios, 1-, 2-, and 3-bedroom units. There will be approximately 101 tenants and 4 employees. The supermarket has 200 employees and the hours of operation are 7am to 11pm, seven days a week.
5.2.3.5	the total floor area and ground coverage ratio of each proposed building and structure	x			FAR for PUD is 0.46 and Ground Coverage is 37.57%.
5.2.3.6	front, side, and rear elevations				Submitted as renderings. Elevations will be required in SPSR application.
5.2.3.7	existing and proposed contour elevations in two foot increments	x			The ground elevations are shown on the drainage, utility, & erosion control plan in 1 foot increments. The site is relatively flat.
5.2.3.8	provisions for vehicular and pedestrian circulation	x			See circulation and access plan in conceptual floor plans. Detailed information regarding the design of streets and sidewalks are a condition of approval for review by the City Engineer, Traffic Engineer, and Highway Superintendent.
5.2.3.9	color, materials, and exterior features of proposed structures	x			Renderings were submitted. The SPSR application will include details on material and color.
5.2.3.10	landscaping and screening, including trees, stones, walls, fences, and other features to be retained and removed, as well as color, size, and type of landscaped surface materials	x			A landscaped plan was submitted.

Section	Required Finding	Met in PUD	Not Met	Met in SPSR	Comment
5.2.3.11	measures taken to preserve and protect natural resources	x			There are no natural features to preserve. The contaminated portion of the site will be remediated for the PUD which is an improvement to the environment and the impervious park will be renovated and include passive landscaping.
5.2.3.12	outdoor lighting, including location and intensity of lighting facilities			x	Details about lighting for the part of the site not yet constructed will be submitted with the SPSR application.
5.2.3.13	dimensions and locations of signs, proposed and existing			x	There is no proposed signage at the site beyond that of the existing grocery store.
5.2.3.14	location and significance of historic structures	x			There are no structures of historical significance on the site and all of the structures have been removed as part of the 2001 SPSR approval.
5.2.3.15	method for handling solid waste disposal, and for screening of disposal facilities			x	A licensed private contractor will pick up solid waste disposal and recycling. Dumpsters and compactors will be located within the building and will not be visible from public view.
5.2.3.16	description and location of all proposed mechanical and electrical system components, including exhaust and ventilation system, transformers, and satellite dishes			x	Details about the mechanical equipment will be submitted with the SPSR application.
5.2.3.17	locations of and adequacy of existing and proposed on-site public utilities, facilities, and conditions (water, sewerage, and drainage), showing size and direction of flows	x			See Existing Conditions Plan; Utility Analysis; Layout and Materials Plans.

Section	Required Finding	Met in PUD	Not Met	Met in SPSR	Comment
5.2.3.18	demolition and construction procedures including impact mitigation measures; an estimate of the time period required for completion of the development	x			There is no demolition. Estimated construction period is 18 months with the project completion in 2016.
5.2.3.19	a traffic study including estimated peak hour traffic volumes generated by the proposed use in relation to existing volumes and projected future conditions or, if the project is twenty-five thousand (25,000) square feet or more, a traffic impact analysis which is prepared by a professional traffic engineer	x			Traffic analysis has been submitted.
5.2.3.20	general summary of existing and proposed easements or other burdens now existing or to be placed on the property	x			See Overall Site Plan, certified by Conor Nagle, PE. Existing easements are as follows: private right-of-way easement (known as Garfield Ave) running through the PUD parcel from Blakeley Ave to Mystic Ave. The City holds a utility easement over the existing sewer and drain lines where they extend through the PUD parcel, in the old alignment of Garfield Ave. An access and use limitation (AUL) exists on the eastern portion of the PUD parcel. The Applicant is working to eliminate this restriction.
5.2.3.21	wetlands, ponds, and surface water bodies, as defined under the Wetlands Protection Act, M.G.L. Chapter 131, Section 40, and rules promulgated there under, 310 CMR 10.00	x			See Existing Conditions Plan. There are no wetlands on the project area.
5.2.3.22	photographs of at least eight (8) by ten (10) inches, showing the development site and surrounding parcels	x			Included in application submission

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Section	Required Finding	Met in PUD	Not Met	Met in SPSR	Comment
5.2.3.23	names and addresses of all property owners within three hundred (300) feet of site boundaries	x			Staff generated list.
5.2.3.24	such other information as will aid the SPGA in judging the application and in determining special conditions and safeguards, and as the SPGA should deem necessary, in its determination of completeness of said application as provided in Section 5.3.1 and the SPGA Rules and Regulations	n/a			n/a

Appendix B: Required Findings of Fact for PUD

<i>B.1: General Findings under Section 16 (SZO 16.9 and 16.1)</i>					
<i>Section</i>	<i>Required Finding</i>	<i>Met in PUD</i>	<i>Not Met</i>	<i>Met in SPSR</i>	<i>Comment</i>
16.9	The SPGA shall review and determine whether a PUD application is complete and place special emphasis in its review as to PUD compliance with provisions of Article 16 herein, including compliance with the purpose and general requirements/features of a PUD	x			See Appendix A. Applicant has provided a complete application. See the remainder of Appendix B which establishes that Applicant has provided an application that is in compliance with the provisions of Article 16 and complies with the purpose, general requirements and features of a PUD.
16.9	The SPGA shall . . . determine whether the proposal is consistent with the most suitable development of the City, and conduct a review in accordance with the requirements for special permit with site plan review as set forth in Article 5 of this Ordinance. The PUD shall comply with all requirements of this Ordinance unless a deviation from these strict requirements is authorized herein in Article 16	x			The proposal to alter the Preliminary Master Plan from a small office building to 75-residential units with a renovated public park is a suitable development of the City. The local and regional need for housing is evident by the data in MAPC's housing assessment studies, Somerville's Comprehensive Plan, and the raising cost of housing in the region. The demand for an office building in this location has been nonexistent and this proposal will clean up Harris Park, which is in great need of restoration, and contribute to the goal of 6,000 additional residential units in the City by 2030.

Section	Required Finding	Met in PUD	Not Met	Met in SPSR	Comment
16.1	The purpose of a Planned Unit Development, or PUD, is to provide for a mixture of land usage at designated locations at greater variety, density and intensity than would normally be allowed . . . to achieve, to the greatest possible degree, land development responsive to an analysis of the environmental assets and liabilities of a site, both natural and man-made. A PUD should be a well-integrated development in terms of land uses, functional activities, and major design elements such as buildings, roads, utilities, drainage systems and open space. A PUD is allowed greater design flexibility so that larger-scale site and master planning for a development may protect natural features and consider most fully the surrounding land use and development contextDevelopment should be concentrated in the most suitable and least environmentally sensitive areas of the landscape. Preservation and enhancement of open space is strongly promoted.	x			The project uses the existing large land area that previously had undesirable uses on it and transformed the site into a mixed use area that provides the amenity of a grocery store and if the amendment is approved, housing. The site was designed in a way to have "3-story townhouses" abutting the residential neighborhood and the commercial grocery store will along McGrath Highway with parking in between. The proposal includes improving the old Harris Park, which is not within the PUD boundaries but will be included and conditioned as part of this approval. The termination of Cross Street East is another area that is not technically in the PUD but will be included and conditioned as part of this approval. The project meets this finding.
<u>B.2: General Requirements of a PUD (SZO Section 16.4)</u>					
Section	Required Finding	Met in PUD	Not Met	Met in SPSR	Comment

Section	Required Finding	Met in PUD	Not Met	Met in SPSR	Comment
16.4a	a designated tract of land meeting the minimum lot size requirements of Section 16.5.1.a for the PUD district	x			The size of the subject area is 311,421 s.f., or approximately 7 acres. This exceeds the 20,000 SF minimum lot size required for the PUD.
16.4b	developed in a comprehensive, design-integrated manner, according to an overall master plan, with two (2) or more types of use	x			The Applicant is submitting a revised Master Plan with supporting plans showing buildings and roadways prepared by the architectural firm Cube 3 Studio and the engineering firm of Vanasse Hangen Brustlin, Inc. The PUD includes the following uses: supermarket and residential.
16.4c	consistent with the objectives of this Ordinance;	x			The proposed PUD has been designed so that each phase functions well on its own and also in relation to other phases.
16.4d	consistent with the goals, objectives and plans of the City for the general subject area	x			In Somervision, the subject parcel is called out as an Urban Mixed Use area on the Future Land Context Map and an area to enhance along the McGrath Highway in the Somervision Map. Allowing for development to occur on the site that is possible with the current market conditions for multi-family residential as opposed to a small office building is consistent with intent behind the designation of this land in SomerVision. The neighborhood plan for East Somerville is underway but not yet complete. At the community meetings held thus far, the uses for this site were not discuss specifically. The key points that did come out of that meeting were that the community wanted to see the Stop & Shop lot be transformed from a super block to a smaller block configuration. Closing Cross Street East is contrary to this goal but satisfies the other interest of not allowing cut through traffic in the residential neighborhood.
16.4e	developed so as to locate or cluster development sites, especially buildings, in a manner that provides usable open space, preserves natural or historic features, and preserves views of such features to the maximum extent possible	x			There are no natural or historic features in which to preserve. The building has been designed to mimic the scale of triple deckers in the neighborhood. Old Harris Park will be renovated to provide usable open space for residents of the development as well as the City at large. 771 McGrath / 240 Mystic PB 2013-05

Section	Required Finding	Met in PUD	Not Met	Met in SPSR	Comment
16.4f	an efficient use of land which properly considers topography and protects significant natural features including, but not limited to, waterways, wetlands, floodplains and wildlife	x			The existing site is relatively flat. The old Harris Park is under Chapter 91 approval. There are no significant wetlands, floodplains, or wildlife.
16.4g	an efficient use of land demonstrating full coordination of its own site development including, but not limited to, the land uses and functions contemplated, architecture, open space and pedestrian networks, vehicular access and circulation, and all other infrastructure	x			The Master Plan demonstrates that full consideration has been given to site development as a whole. During the Special Permit process for developments, the architecture, open space and pedestrian networks, vehicular access and circulation, roadways, and infrastructure will be reviewed in appropriate detail, and this Decision includes conditions to ensure that these issues are more fully addressed during the Special Permit process.
16.4h	linked and coordinated with surrounding land uses, off-site public facilities, infrastructure and roadway access where appropriate, in a manner that is safe, efficient and non-injurious to the public, and an improvement or benefit to the public where possible	x			The proposal includes discontinuing the northern portion of Cross Street East, moving parcel lines to break the residential portion of the site from the grocery store and moving the parcel line to the middle of the discontinued property line. Taking the appropriate legal steps in order to do this will be conditions of approval.
16.4i	designed with sizing of street and other infrastructure systems to accommodate the overall service demand of the PUD	x			A Traffic Impact Assessment was prepared for the revised proposal and concludes that the existing streets can handle the service demand of the PUD.
16.4j	inclusive of provisions for the ownership and maintenance of usable open space as appropriate (see Sec. 16.6 of this Article)	x			The Applicant will be required to maintain the usable open space within the PUD subject and old Harris Park through a maintenance agreement(s) that must be developed as a condition of this approval.

Section	Required Finding	Met in PUD	Not Met	Met in SPSR	Comment
16.4k	inclusive of appropriate deed restrictions or covenants requiring compliance of all development with the PUD master plan, and any architectural or other guidelines or standards			x	Conditions of approval will require deed restrictions to ensure that the pedestrian easement through the site remain and is shifted to the southern edge of the PUD from Cross Street East. The PUD design guidelines will be met and more detail about architectural standards will be submitted as part of the SPSR application.
16.4l	when inclusive of a proposed use allowable under this Ordinance only within a PUD setting, that said use is integrated into the proposed development in terms of function and service to other users of the PUD site and/or to the immediately surrounding area	n/a			<u>Not applicable.</u> This finding is not applicable because the residential and grocery store uses are allowed by-right or by Special Permit in the PUD and underlying BA district.
<u>B.3: PUD Design Guidelines (SZO Section 16.7)</u>					
Section	Required Finding	Met in PUD	Not Met	Met in SPSR	Comment

Section	Required Finding	Met in PUD	Not Met	Met in SPSR	Comment
16.7a	PUD architecture should demonstrate the cohesive planning of the development and present a clearly identifiable design feature throughout. It is not intended that buildings be totally uniform in appearance or that designers and developers be restricted in their creativity. Rather, cohesion and identity can be demonstrated in similar building scale or mass; consistent use of facade materials; similar ground level detailing, color or signage; consistency in functional systems such as roadway or pedestrian way surfaces, signage, or landscaping; the framing of outdoor open space and linkages, or a clear conveyance in the importance of various buildings and features on the site			x	The building design and architecture relates to the varying masses and uses surrounding the site. The grocery store is located along McGrath Highway creating a street wall along this commercial corridor. The residential building will be oriented towards the residential neighborhood and have a residential vernacular with stoops, bays and varying facade materials. Brick will be a common material between the residential and commercial building.
16.7b	Buildings adjacent to usable open space should generally be oriented to that space, with access to the building opening onto the open space	x			The usable open space will be Harris Park. The residential building meets this guideline. There will be individual front doors that front onto the open space with stoops, ramps and stairs making access to the open space readily assessable.
16.7c	When a building is proposed to exceed the base district height limit, it is intended that buildings be of slender proportions emphasizing the vertical dimension	x			The building will not exceed the base district height limit. The BA district is the underlying district and is 4 stories and 50 feet and the buildings are below this height.

Section	Required Finding	Met in PUD	Not Met	Met in SPSR	Comment
16.7d	It is strongly encouraged that landscaped space, and particularly usable open space, be designed and located to connect as a network throughout the PUD. It is also generally intended that said space be designed and located to connect with existing off-site usable open space, and provide potential for connection with future open space by extending to the perimeter of the PUD, particularly when a plan exists for the location and networking of such future open space	x			The landscape design connects uses within the PUD and creates links to the off-site open space. The Harris Park will be open to the public and will be connected to the neighborhood and proposed development by the end of Cross Street East, which is proposed to be a pedestrian walkway. There will be a pedestrian path on the southern side of the building to allow for a connection from the south to the grocery store and other landscaped areas on the site.
16.7e	It is intended that no non-residential structure cause a casting of any shadow on any residential lands between 10:00 AM and 2:00 PM, solar time, on the vernal equinox (March 21); and that any shadow cast by a PUD structure on public usable open space be of minimal impact on the desired functional use of said open space, particularly in the period from March 21 to September 21	x			Shadow studies were submitted for the block for 9am, noon and 3pm for Fall/Spring Equinox and Winter and Summer Solstice. During these times no shadow falls on residential lands. The shadows from the residential building fall on the existing parking lot.

Section	Required Finding	Met in PUD	Not Met	Met in SPSR	Comment
16.7f	Vehicular access to and from public roads is intended to be consolidated. Vehicular access to PUD lands from a public roadway shall generally be limited to one (1) access point, particularly when PUD frontage along said roadway is three hundred (300) feet or less. When a PUD has more than six hundred (600) feet of frontage on a public road, separation between existing, approved, and proposed curb cuts, whether on or off-site, shall average a minimum of two hundred (200) feet. Consolidation to a minimal number of access points is strongly encouraged	x			Vehicular access will be restricted by closing Cross Street East. Vehicular access is from Blakely Street and Mystic Avenue.
16.7g	Internal PUD streets shall consist of local and collector roadways, designed in accordance with standard traffic engineering practice. Any street proposed for public dedication shall meet the standards of the City's Director of Traffic and Parking.	x			No new streets will be created.
16.7h	PUD block sides should reflect average city block size of Somerville, to maximize a pedestrian-friendly scale in the street grid. Align streets to give building energy-efficient orientations.	x			The building fits the existing block structure that is present.
16.7i	The PUD design should preserve and enhance natural features such as topography, waterways, vegetation, and drainage ways.	x			There are no existing natural features to preserve. The existing Park will be greatly enhanced as a result of this application.

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Section	Required Finding	Met in PUD	Not Met	Met in SPSR	Comment
16.7j	The PUD design should minimize impervious surfaces and incorporate other design features to minimize storm water runoff.			x	The PUD has a large amount of impervious paved area. The revised portion of the site will be primarily covered with building. The site will comply with the City's storm water management policy.
16.7k	PUDs should maximize pedestrian transit-oriented development. Specifically they should use "traffic-calming" techniques liberally; provide networks for pedestrians as good as the networks for motorists; provide pedestrians and bicycles with shortcuts and alternatives to travel along high-volume streets, and emphasize safe and direct pedestrian connections to transit stops and other commercial and/or employment nodes; provide long-term, covered, bicycle parking areas; provide well-lit, transit shelters; incorporate transit-oriented design features; and establish Travel Demand Management programs at employment centers.	x			The exiting area has been designed to provide a pedestrian walkway through the site. The pedestrian path will be moved to south of the building. Sidewalks will surround the residential building. The Applicants will contribute \$25,000 towards improvements to the pedestrian access from Mystic Avenue to Assembly Square.
16.7l	Make shopping centers and business parks into all-purpose activity centers.	x			Not applicable because neither a shopping center nor business park is proposed.
<u>B.2: Mixed Uses (SZO Section 16.5.3)</u>					
Section	Required Finding	Met in PUD	Not Met	Met in SPSR	Comment

Section	Required Finding	Met in PUD	Not Met	Met in SPSR	Comment
16.5.3.1	When a specific use is permitted within a zoning district only within the context of a PUD, said permitted PUD use shall comply with the following stipulations. The use(s) shall not exceed forty percent (40%) of the total PUD intensity, as measured by floor area ratio or lot area per dwelling unit, whichever is applicable.	x			The net floor area of the grocery store is 81,103 and residential building is 60,863. The percentage of grocery store is 58% of the FAR and residential is 42%; however, both are allowed by Special Permit in the underlying district, BA so the regulation does not apply.
16.5.3.2	The use(s) shall not occupy more than forty percent (40%) of the site area, defined as the total PUD lot area exclusive of the PUD minimum landscape area requirement and exclusive of any roads and parking designed within the PUD to serve permitted uses other than or in addition to the use(s) in question.	x			Each of the area of the footprints of the two buildings only make up 37.6% of the lot in total.

Appendix C: Requirements for SPSR

<i>C1: Requirements for SPSR</i>					
Section	Required Finding	Met in PUD	Not Met	Met in SPSR	Comment
5.2.5.a	<i>Information supplied.</i> Complies with the information requirements of Section 5.2.3			x	
5.2.5.b	<i>Compliance with standards.</i> Complies with such criteria or standards as may be set forth in this Ordinance which refer to the granting of the requested special permit with site plan review				Applicants meet individual SPSR findings as identified in this Appendix C.
5.2.5.c	<i>Purpose of district.</i> Is consistent with the intent of the specific zoning district as specified in Article 6				The proposal complies with the BA - Commercial Districts in providing housing and a grocery store in a commercial district. The purpose of the district is to establish and preserve business areas bordering main thoroughfares that are attractive to a wide range of uses, including retail business and services, housing, government, professional and medical offices, and places of amusement. While it is anticipated that most users will arrive by motor vehicle, it is intended that the area should be safe for and conducive to pedestrian traffic. The proposal also complies with purpose of the PUD in providing some flexibility with the concentration of the residential density and waiver on dimensional requirement to make for a functional site that has a mix of uses.

Section	Required Finding	Met in PUD	Not Met	Met in SPSR	Comment
5.2.5.d	<i>Site and area compatibility.</i> Is designed in a manner that is compatible with the existing natural features of the site and is compatible with the characteristics of the surrounding area, and that the scale, massing and detailing of buildings are compatible with those prevalent in the surrounding area				The site is bordered by the Metropolitan District Commission's Foss Park, the largest park in Somerville, to the west across McGrath Highway, and Harris Park on the eastern side. To the north, Mystic Avenue and I-93 provide boundaries to the property. The three blocks to the south of the property, Kensington Avenue, Garfield Avenue and Cross Street East contain a mix of medium-density residential, commercial and industrial uses. The neighborhood to the east of the property contains mostly low to medium-density residential uses. The Applicant has made an effort to design the development in a manner that is compatible with the existing features of the site and with the surrounding area. In an effort to mitigate the potential traffic impacts, the Applicant has made an extensive effort to meet with the neighbors from the surrounding residential areas and reach solutions that improve the community and make sense for the neighbors and the Applicant. These efforts include blocking off Blakeley Avenue at Cross Street East and creating traffic calming measures or barriers to make it difficult to execute a right turn out of Kensington Avenue, in order to prevent supermarket customers from traveling through the surrounding neighborhoods.
5.2.5.e	<i>Functional design.</i> Meets accepted standards and criteria for the functional design of facilities, structures, and site construction				The building and site meets functional standards of the SZO.

Section	Required Finding	Met in PUD	Not Met	Met in SPSR	Comment
5.2.5.f	<i>Impact on Public Systems.</i> Will not create adverse impacts on the public services and facilities serving the development, such as the sanitary sewer system, the storm drainage system, the public water supply, the recreational system, the street system for vehicular traffic, and the sidewalks and footpaths for pedestrian traffic				The applicant has submitted information for feedback regarding impacts on the public services and submitted agreed-upon public service upgrades. Details will be discussed before the SPSR application.
5.2.5.g	<i>Environmental impacts.</i> Will not create adverse environmental impacts, including those that may occur off the site, or such potential adverse impacts will be mitigated in connection with the proposed development, so that the development will be compatible with the surrounding area				The applicant has adequately addressed that the overall project mitigates adverse environmental impacts, cleans an existing brownfield and a park.
5.2.5.h	<i>Consistency with purposes.</i> Is consistent with: 1) the purposes of this Ordinance, particularly those set forth in Article 1 and Article 5; and 2) the purposes, provisions, and specific objectives applicable to the requested special permit with site plan review which may be set forth elsewhere in this Ordinance, such as, but not limited to, those at the beginning of the various sections				The project meets the purpose of the Ordinance in encouraging the most appropriate use of the land and increasing the amenities of the municipality. The project also meets the purpose of Article 5 for the Board to evaluate the findings and determinations and provisions of the Ordinance and attach conditions to mitigate concerns.

Section	Required Finding	Met in PUD	Not Met	Met in SPSR	Comment
5.2.5.i	Preservation of Landform and Open Space: The Applicant has to ensure that “the existing land form is preserved in its natural state, insofar as practicable, by minimizing grading and the erosion or stripping of steep slopes, and by maintaining man-made features that enhance the land form, such as stone walls, with minimal alteration or disruption. In addition, all open spaces should be designed and planted to enhance the attractiveness of the neighborhood. Whenever possible, the development parcel should be laid out so that some of the landscaped areas are visible to the neighborhood.”				There are no existing landforms or open spaces left in their natural state. A landscape plan was submitted that needs review with the SPSR application.
5.2.5.j	Relation of Buildings to Environment: The Applicant must ensure that “buildings are: 1) located harmoniously with the land form, vegetation and other natural features of the site; 2) compatible in scale, design and use with those buildings and designs which are visually related to the development site; 3) effectively located for solar and wind orientation for energy conservation; and 4) advantageously located for views from the building while minimizing the intrusion on views from other buildings.”				Will be reviewed with SPSR application.

Section	Required Finding	Met in PUD	Not Met	Met in SPSR	Comment
5.2.5.k	Stormwater Drainage: The Applicant must demonstrate that “special attention has been given to proper site surface drainage so that removal of surface waters will not adversely affect neighboring properties or the public storm drainage system. Storm water shall be removed from all roofs, canopies, and powered area, and routed through a well-engineered system designed with appropriate storm water management techniques. Skimming devices, oil, and grease traps, and similar facilities at the collection or discharge points for paved surface runoff should be used, to retain oils, greases, and particles. Surface water on all paved areas shall be collected and/or routed so that it will not obstruct the flow of vehicular or pedestrian traffic and will not create puddles in the paved area. In larger developments, where practical, the routing of runoff through sheet flow, swales or other means increasing filtration and percolation is strongly encouraged, as is use of retention or detention ponds. In instances of below grade parking (such as garages) or low lying areas prone to flooding, installation of pumps or other devices to prevent backflow through drains or catch basins may be required.”				Will be reviewed with SPSR application.

Section	Required Finding	Met in PUD	Not Met	Met in SPSR	Comment
5.2.5.k	Historic or Architectural Significance: The project must be designed “with respect to Somerville’s heritage, any action detrimental to historic structures and their architectural elements shall be discouraged insofar as is practicable, whether those structures exist on the development parcel or on adjacent properties. If there is any removal, substantial alteration or other action detrimental to buildings of historic or architectural significance, these should be minimized and new uses or the erection of new buildings should be compatible with the buildings or places of historic or architectural significance on the development parcel or on adjacent properties.”				The existing buildings on the site are not registered either on the local or national register of historic places. The architectural details will be reviewed as part of the SPSR application.
5.2.5.l	Enhancement of Appearance: The Applicant must demonstrate that “the natural character and appearance of the City is enhanced. Awareness of the existence of a development, particularly a non residential development or a higher density residential development, should be minimized by screening views of the development from nearby streets, residential neighborhoods of City property by the effective use of existing land forms, or alteration thereto, such as berms, and by existing vegetation or supplemental planting.”				The natural character and appearance of the City will be enhanced by this development. The site is currently vacant and unattractive. The site will be enhanced and well screened by the increased landscaping as well as attractive building materials proposed.

Section	Required Finding	Met in PUD	Not Met	Met in SPSR	Comment
5.2.5.m	Lighting: With respect to lighting, the Applicant must ensure that “all exterior spaces and interior public and semi-public spaces shall be adequately lit and designed as much as possible to allow for surveillance by neighbors and passersby.”				Will be reviewed with SPSR application.
5.2.5.n	Emergency Access: The Applicant must ensure that “there is easy access to buildings, and the grounds adjoining them, for operations by fire, police, medical and other emergency personnel and equipment.”				Initial review complete; however, will be reviewed with SPSR application.
5.2.5.o	Location of Access: The Applicant must ensure that “the location of intersections of access drives with the City arterial or collector streets minimizes traffic congestion.”				Access to the site will not change and the approval for closing the end of Cross Street East will need further review.
5.2.5.p	Utility Service: The Applicant must ensure that “electric, telephone, cable TV and other such lines and equipment are placed underground from the source or connection, or are effectively screened from public view.”				The Applicant is proposing to tie into the existing City services for electric, telephone and cable TV. Any new lines will need to be placed under ground in accordance with the SZO and the policies of the Superintendent of Lights and Lines.

Section	Required Finding	Met in PUD	Not Met	Met in SPSR	Comment
5.2.5.q	Prevention of Adverse Impacts: The Applicant must demonstrate that “provisions have been made to prevent or minimize any detrimental effect on adjoining premises, and the general neighborhood, including, (1) minimizing any adverse impact from new hard surface ground cover, or machinery which emits heat, vapor, light or fumes; and (2) preventing adverse impacts to light, air and noise, wind and temperature levels in the immediate vicinity of the proposed development;				The new residential portion of the site will not have negative impacts beyond the typical residential noise and activity.
5.2.5.r	Signage: The Applicant must ensure that “the size, location, design, color, texture, lighting and materials of all permanent signs and outdoor advertising structures or features shall reflect the scale and character of the proposed buildings.”				No signage has been proposed as part of this application.
5.2.5.s	Screening of Service Facilities: The Applicant must ensure that “exposed transformers and other machinery, storage, service and truck loading areas, dumpsters, utility buildings, and similar structures shall be effectively screened by plantings or other screening methods so that they are not directly visible from either the proposed development or the surrounding properties.”				Will be reviewed with SPSR application.
5.2.5.t	Screening of Parking:				Will be reviewed with SPSR application.
5.2.5.u	Housing Impact: Will not create adverse impacts on the stock of existing affordable housing				There is no housing onsite currently and the proposal will add permanently affordable unit the site. 771 McGrath / 240 Mystic

Section	Required Finding	Met in PUD	Not Met	Met in SPSR	Comment
5.2.5.v	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.				In Somervision, the subject parcel is called out as an Urban Mixed Use area on the Future Land Context Map and an area to enhance along the McGrath Highway in the Somervision Map. Allowing for development to occur on the site that is possible with the current market conditions for multi-family residential as opposed to a small office building is consistent with intent behind the designation of this land in SomerVision. The neighborhood plan for East Somerville is underway but not yet complete. At the community meetings held thus far, the uses for this site were not discuss specifically. The key points that did come out of that meeting were that the community wanted to see the Stop & Shop lot be transformed from a super block to a smaller block configuration. Closing Cross Street East is contrary to this goal but satisfies the other interest of not allowing cut through traffic in the residential neighborhood.

Appendix D: Standards for Waivers

D.1 Rear Yard Setback				
Section	Required Finding	Met	Not Met	Comment
16.5.4	<i>Waiver of dimensional standards.</i> In order to maximize flexibility in the application of design standards to PUD projects, the SPGA may waive strict compliance with the standards of Section 16.5 upon making a determination that: (a) such a waiver would result in a better site plan than strict compliance with the stated standards; (b) the proposed PUD design furthers the Purpose and PUD Design Guidelines of this section; and (c) the granting of such a waiver will not cause detriment to the surrounding neighborhood.	x		The rear yard setback will be along the property line. This allows for the building to be situated on the land that was previously planned to be an office building. The ability to have the amount of at grade parking that the neighborhood is demanding, to have the parking inside of the building and to line the parking area with an active use necessitates this width of a building. Eliminating the ground floor units would made the building much less attractive and interesting, which would negatively impact the abutters and the experience in the renovated park. The waiver will not cause detriment to the surrounding neighborhood because the setback will practically be greater than that required. Cross Street East is 40 feet wide and the road sits between the subject property and the abutters to the rear. Also, the PUD boundary line ends at the property line and there is a 15 foot distance from the property line to the RA district line. Therefore the setback to the RA district is conforming.

D.2 Landscape Waiver				
16.5.4	<i>Waiver of dimensional standards.</i> In order to maximize flexibility in the application of design standards to PUD projects, the SPGA may waive strict compliance with the standards of Section 16.5 upon making a determination that: (a) such a waiver would result in a better site plan than strict compliance with the stated standards; (b) the proposed PUD design furthers the Purpose and PUD Design Guidelines of this section; and (c) the granting of such a waiver will not cause detriment to the surrounding neighborhood.	x		The requirement for landscaping is 20% of the site. With the amended proposal the percentage is 17.6%. If the park area that the developers would be improving for the City is included in the calculation the percentage of landscaping is 23.9. Situating the proposed building on the site has challenges as mentioned in the rear yard setback finding above making it difficult to increase the amount of landscaping on the site. The alternative would be to take up some of the parking space for the Stop & Shop to add landscaping, which is possible but unlikely to be supported by the neighborhood at this time. Having the Applicant improve the existing park that is in disrepair will further the goals of having usable open space as a part of PUDs. The park will continue to be owned by the City and it will be a public park for all to enjoy. Shifting the landscaping to just outside of the PUD boundary will not cause detriment to the surrounding area and will in fact improve the quality of life in the neighborhood.

Appendix E: PUD-PMP Conditions

#	Condition	Complete	To Be Evaluated By:	Timeframe for Compliance	Verified (initial)
A. General					
1	Approval is for the changing the uses in the Master Plan to include the grocery store that has already been constructed and 75-residential units on the eastern portion of the lot. The original application was submitted on February 5, 2013 and updated application was submitted on September 29, 2014. Approval is not for the final site and building design but subsequent applications shall have a substantially similar building form to the plans submitted with this PUD application.		Planning Director / DPW	Compliance with subsequent SPSR application	
Public Improvements					
2	The Applicant shall document compliance with past conditions of PUD and SPSR approval including the contributions for park and streetscape renovations and submit this with subsequent SPSR application(s) for the PUD area.		Planning Director / DPW	Submission of SPSR application	
3	The applicant shall, prior to Building Permit for any residential development under the PUD, execute a development covenant with the City of Somerville. The covenant shall stipulate that the applicant will implement each item in the commitment letter dated December 8, 2014, and specify the terms under which each item will be completed. The applicant shall remain in compliance with the covenant. The covenant shall state that it is binding upon the applicant as well as any future developer of this residential project. The covenant shall be filed with this decision at the Middlesex South Registry of Deeds.		Planning Director	BP	
4	The items in the development covenant that can be documented in the condominium documents shall be, including the provision that the entirety of the building cannot be converted to rental units. The condominium documents shall be provided to Planning Staff to ensure that this condition is met.				

5	Prior to the issuance of a building permit for the project, the Applicant shall cause to be executed and delivered to the City Solicitor a quitclaim deed conveying for nominal consideration the fee simple title interest in the property at 24 Cross Street East, known as the General Insulation Building, to the City of Somerville free and clear of (a) all encumbrances securing the payment of money and (b) all leasehold interests and other rights of occupancy.		Planning Director / Legal	BP	
6	Applicant shall provide \$25,000 towards the design and construction of improvements to the pedestrian access from Mystic Avenue to Assembly Square.		Planning Director	CO	
7	Applicant shall submit the legal procedures for discontinuing Cross Street East for the area shown on the site plan to the City Solicitor's Office for review and approval. Applicant shall take the appropriate steps necessary to receive approval to accomplish this task.		Planning Director / Legal	BP	
8	Applicant shall submit the legal procedures for discontinuing or moving any relevant easements in the PUD or right of way to the City Solicitor's Office for review and approval. Applicant shall take the appropriate steps necessary to receive approval to accomplish this task.		Planning Director / Legal	BP	
9	Applicant shall submit a design of sidewalk treatments, street trees, landscaping , finishes, street furniture and other amenities for the discontinued portion of Cross Street East and Harris Playground that they are to construct and maintain for City Staff review and approval. The design of the park shall incorporate Somerville's Tree Barrier Recommendations. The agreement shall specify that the City will maintain ownership over this land.		Plng.	SPRS application	
10	There must be a flat granite curb between the asphalt street and the pavers for the pedestrian walkway at the end of Cross Street East and signage as well as some other indication that the road does not continue for vehicles past Pennsylvania Avenue.		DPW	CO	
11	Applicant shall submit a Long Term Maintenance Agreement for the discontinued portion of Cross Street East and Harris Playground to be reviewed and approved by City Staff. The Agreement will make clear that the City retains ownership of this land. The Agreement will provide the Proponent's commitments to the City relative to maintenance of the elements of the public right of ways including sidewalk treatments, street trees, landscaping , finishes, street furniture and other amenities.		Plng.	BP	

12	50% of the landscaping in the PUD shall be Useable Open Space as is required in Article 16.		Plng.	SPRS application	
13	Applicant will work with the City to develop the long term maintenance agreement for the Useable Open Space as required in Article 17 of the SZO. The agreement shall specify the requirements for public access and private maintenance of useable open space in the plan, as required by the SZO. The applicant shall build out and maintain all of the open space and allow public access to all of the useable open space in the plan as required by the SZO. The applicant will submit 100% construction plans for open space to the City for review and comment.		Plng.	BP	
<u>C. Water Systems</u>					
14	Design and construction phasing of the water system shall be subject to review and approval by the City Engineer to ensure compliance with City standards and best practices for design and ongoing maintenance.		City Engineer	BP	
15	Applicant shall ensure that all materials shall be in accordance with the City of Somerville Water and Sewer Division's Specifications and/or Rules and Regulations, latest issue.		City Engineer	BP	
<u>D. Sanitary Sewer Systems</u>					
16	The Applicant shall meet with the City Engineer and finalize all necessary plans for storm water drainage and sewer connection requirements. The Planning Board must receive written confirmation from the City Engineer that all of the plans for the required improvements and connections have been met for each phase of the project prior to the issuance of applicable building permits		City Engineer	BP	
<u>E. Preconstruction</u>					
17	The Applicant will be required to demonstrate that the updated project plans meet the current City of Somerville storm water policy. Utility, grading, and drainage plans must be submitted to the Engineering Department for review and approval.		City Engineer	BP	
18	The Applicant shall submit a proposed grading and drainage plan, stamped by a registered PE in Massachusetts that demonstrates compliance with the City's storm water policy.		City Engineer	BP	
19	The Applicant shall submit a proposed drainage report, stamped by a registered PE in Massachusetts that demonstrates compliance with the City's stormwater policy.		City Engineer	BP	

20	New sanitary connection flows over 2,000 GPD require a 4:1 removal of infiltration and/or inflow by the Applicant. This will be achieved by submitting a mitigation payment to the City based on the cost per gallon of I/I to be removed from the sewer system. The Applicant shall work with Engineering to meet this condition before a certificate of occupancy is issued.		City Engineer	CO	
21	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.		ISD	BP	
22	The Applicant must contact the Engineering Department to coordinate the timeline for cutting or opening the street and/or sidewalk for utility connections or other construction. There is a moratorium on opening streets from November 1st to April 1st and there is a list of streets that have additional opening restrictions.		City Engineer	CO	
23	The Applicant shall conduct a survey of the houses of the abutting property owners prior to excavation of the site, and document their findings. These findings shall be submitted to the Planning Department as public record. The Applicant then shall survey any damage to the abutting property owner's houses after excavation and reimburse the property owners for any damages.		Plng / ISD	BP and CO	

F. Urban Design and Design Guidelines

24	Applicant shall provide final material samples for siding, trim, windows, and doors (to the Design Review Committee for review and comment and) to Planning Staff for review and approval prior to construction.		Plng.	BP	
25	Applicant shall make reasonable efforts to employ smart growth techniques in overall development, including but not limited to: Low Impact Development for Stormwater Management, bioswales and sustainable green technologies, and LEED;		Plng.	BP	

Traffic / Parking

26	Applicant will supply 41 bicycle parking spaces in the PUD that conforms to the requirements of the SZO.		Plng.	CO	
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27	The traffic study included with the SPSR application shall include an expended study area, documenting/justifying trip generation rates, trip distribution, and trip reduction rates.		Plng.	SPSR application	
28	At least 2 of the parking spaces in the residential building shall be electric vehicle charging stations.		Plng.	CO	

Public Safety

29	The Applicant must meet with Fire Prevention to discuss the details of the location of water lines, the type of fire protection, and access to the building.		FP	SPSR application	
30	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.		Plng.	CO	
31	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.		ISD	Perpetual	
32	Because of the history of the site and the intended use, the Applicant shall, prior to issuance of any foundation permit and/or any building permit for the project, provide to the Planning Department and the Inspectional Services Division: a) a copy of the Response Action Outcome (RAO) Statement, signed by a Licensed Site Professional (LSP) and filed with DEP, verifying that a level of no significant risk for the proposed residential use has been achieved at the site; or b) if remediation has not reached the RAO stage, a statement signed by an LSP describing (i) the management of oil and hazardous materials/waste at the site , including release abatement measures intended to achieve a level of no significant risk for residential use at the site, treatment and storage on site, transportation off-site, and disposal at authorized facilities, (ii) a plan for protecting the health and safety of workers at the site, and (iii) a plan for monitoring air quality in the immediate neighborhood		Plng. / OSE	BP	

33	All new sidewalks will be installed by the Applicant in accordance with the specifications of the Highway Superintendent. Specifically, all driveway aprons shall be concrete;		DPW	CO	
34	The electric, telephone, cable TV and other such lines and equipment shall be placed underground from the source or connection. The utilities plan shall be supplied to the Wiring Inspector before installation.		DPW	CO	
35	Landscaping should be installed and maintained in compliance with the American Nurserymen's Association Standards;		ISD	Perpetual	
<u>G. Trash and Recycling</u>					
36	The residential building shall provide interior disposal and storage systems for trash and recycling. These systems must be detailed in the SPSR applications.		Plng.	SPSR application	
37	The Owner/Applicant is required to hire a private company to remove trash and recycling on a regular basis.		ISD	Perpetual	
<u>H. Maintenance of Facilities</u>					
38	All City of Somerville roadway elements must meet City specifications and standards unless they are otherwise approved by the City Engineer and are maintained by the Applicant under the maintenance agreement.		City Engineer	BP	
<u>I. SPSR Reviews</u>					
39	SPSR applications under the PMP shall include information required to ensure compliance with this PMP decision, including but not limited to information noted as required in the findings (Appendix A, B, C, D and E).		Plng.	SPSR application	
40	The applicant, or successors and assigns, shall submit proposals for SPSR that include an explanation of the differences between the plans submitted for the amended PUD and subsequent SPSR application.		Plng.	SPSR application	
<u>Linkage / Affordable Housing</u>					
41	Affordable Housing Implementation Plan (AHIP) should be approved by the OSPCD Housing Division and executed prior to issuance of Building Permit. Affordable units shall be provided on-site.		Housing	BP	

42	Written certification of the creation of affordable housing units, any fractional payment required, or alternative methods of compliance, must be obtained from the OSPCD Housing Division before the issuance of a Certificate of Occupancy (C.O.). No C.O. shall be issued until the OSPCD Housing Division has confirmed that the Affordable Housing Restriction has been approved and recorded and the developer has provided the promised affordable units on-site.		Housing	CO	
43	No Certificate of Occupancy shall be issued until the OSPCD Housing Division has confirmed that: (for Condominium Projects) the Condominium Documents have been approved and the Developer has agreed to a form of Deed Rider for the Affordable Unit(s), or (for Rental Projects) the Developer has agreed to and executed a Memorandum of Understanding for Monitoring of the Affordable Unit(s).		Housing	CO	
<u>Construction Impacts</u>					
44	The Applicant shall at his expense replace any existing equipment (including, but not limited to street sign poles, signs, traffic signal poles, traffic signal equipment, wheel chair ramps, granite curbing, etc) and the entire sidewalk immediately abutting the subject property if damaged as a result of construction activity. All new sidewalks and driveways must be constructed to DPW standard.		DPW	CO	
45	All construction materials and equipment must be stored onsite. If occupancy of the street layout is required, such occupancy must be in conformance with the requirements of the Manual on Uniform Traffic Control Devices and the prior approval of the Traffic and Parking Department must be obtained.		Traffic/Parking	BP & during construction	
<u>Other</u>					
46	All prior conditions regarding operations remain in effect unless there is a conflict with the conditions above, which shall prevail.		Plng.	Perpetual	

Appendix F: Original PUD Conditions of Approval

#	Condition
Prior Conditions	
1	The proposed supermarket shall maintain standard hours of operation, specifically no earlier than 6:00 a.m. and no later than 12:00 midnight. Twenty-four hour operations are prohibited at the subject site
2	The Applicant shall meet with the OHCD Housing Director to determine the exact area (in s.f.) of the project applicable to the Project Mitigation Contribution ("PMC") requirements of the Somerville Zoning Ordinance (SZO §15). Written certification of this calculation shall be submitted to the Planning Board before final sign-off on any building permit
3	The Applicant agrees to make a Project Mitigation Contribution ("PMC") for the project as one lump sum payment upon issuance of the Certificate of Occupancy (C.O.) instead of in five (5) equal annual installments as otherwise provided in SZO §15.3. The PMC shall be calculated in accordance with the documented final area calculations obtained from the OHCD Housing Director
4	The Applicant is responsible for ensuring that the project meets all handicapped accessibility and ADA standards. The Planning Board must receive written confirmation from the ADA Coordinator that the project meets these standards and requirements for each phase of the project before applicable building permits are issued
5	Prior to the issuance of a building permit for each phase of the project, the Applicant must submit a plan for Planning Board approval, which clearly indicates the areas to be dedicated as usable open space. The Applicant must also provide evidence, satisfactory to the City Solicitor, to dedicate the usable open space on the site either in fee or by easement, deed restriction, covenant or comparable legal instrument enforceable by the City of Somerville
6	The Applicant is responsible for ensuring that the project meets all requirements for installing new utilities and utility lines and standards as determined by the Superintendent of Lights and Lines. The Planning Board must receive written confirmation from the Superintendent of Lights and Lines that the project meets these standards and requirements for each phase of the project before a building permit is issued
7	The Applicant is responsible for ensuring that the project meets all standards of the Massachusetts Comprehensive Fire Safety Code as determined by the Fire Prevention Bureau. The Planning Board must receive written confirmation from the Deputy Chief of the Fire Prevention Bureau that the project meets these standards and requirements for each phase of the project before a building permit is issued
8	The Applicant shall submit documentation to the Planning Board that the proposed non-residential structures do not cast a shadow on any residential lands between 10:00 a.m. and 2:00 p.m., solar time, on the vernal equinox; and that any shadow cast by a PUD structure on public usable open space be of minimal impact on the desired functional use of said open spaces, particularly in the period between March 21 through September 21 of each year

9	The Applicant will modify the plans to show entrances to and exits from both of the proposed buildings accessing the usable open space as required in the design standards for the PUD
10	The Applicant shall work with the Somerville Bicycle Committee to improve the proposed bicycle parking as well as upgrade the facilities and the capacity at the site in order to accommodate the residents of the City
11	No uses shall be permitted at the site except for the proposed supermarket, which is understood to carry goods and provide services characteristic of such a use. Such uses include but are not limited to a bank with an automatic teller machine, photographic services, the sale of convenience and grocery goods such as food, candy, newspapers and tobacco, a meat market, a delicatessen, a bakery, a florist, a pharmacy, etc. However, the permitted supermarket use excludes a package liquor store, installation of automotive parts such as tires, mufflers, brakes and motor vehicle accessories, as well as warehouse operations such as Peapod.com
12	The Applicant shall design and construct, at its own cost, a traffic access plan substantially in conformance with the plan prepared by VHB, Inc. and submitted to the Planning Board. Prior to constructing offsite improvements as proscribed below, the Applicant shall prepare preliminary and final design plans for presentation to the City's Departments of Public Work and Traffic & Parking for review. The Applicant shall present the final design plans to the Somerville Traffic Commission for approval. The following elements of the plan are hereby incorporated as individual conditions, which must be completed prior to occupancy of the site:
13	The Applicant shall design and construct a traffic signal at the intersection of McGrath Highway and Blakeley Avenue. The traffic signal will service left and right turns out of the site via a break in the median on McGrath Highway. The traffic signal and related horizontal geometry will not accommodate left turns into the site
14	b. The Applicant shall design and construct a traffic signal at the intersection of Broadway and Garfield Avenue. The traffic signal will service left and right turns out of Garfield Avenue, as well as left and right turns into Garfield Avenue. The Applicant shall construct such roadside elements as may be necessary for the proper accommodation of pedestrians, bicycles, and vehicles throughout the intersection
15	The Applicant shall rehabilitate Garfield Avenue, including removing and resetting curb, a new pavement surface, pavement markings and related traffic control devices, and landscaping. The Applicant shall prepare preliminary and final design plans for presentation to the City's Departments of Public Work and Traffic & Parking for review. The Applicant shall present the final design plans to the Somerville Traffic Commission for approval prior to construction
16	The Applicant shall rehabilitate Blakeley Avenue, including removing and resetting curb (or new granite curbing as required), a new pavement surface, pavement markings and related traffic control devices, and landscaping. The rehabilitation of Blakeley Avenue shall include a closure by physical barriers of Blakeley Avenue just to the west of Cross Street

17	The Applicant shall construct a hardwire pre-emption system connecting the Fire Headquarters to the traffic signal controller at the intersection of McGrath Highway and Broadway. The Applicant shall install a system which, when actuated in the fire station, will cause the traffic signals at the intersection of McGrath Highway and Broadway to display a green indication to the Broadway eastbound approach only, thereby ensuring priority control for fire apparatus responding to a call east of McGrath Highway
18	The Applicant shall construct an access/egress point on Mystic Avenue substantially in conformance with a plan submitted to the City of Somerville Department of Traffic & Parking. The Applicant shall install guide signs in conformance with the SZO §12, on-site directing motor-vehicle traffic bound for Charlestown to use the Mystic Avenue exit
19	The Applicant shall replace the traffic signal controller at the intersection of McGrath Highway and Mystic Avenue. The Applicant shall install a master controller for a closed loop signal system incorporating the intersections of McGrath Highway at Blakeley Avenue and at Mystic Avenue. The Applicant shall install all electrical conduit, cable, and appurtenant equipment necessary to interconnect the two traffic signal systems. The Applicant shall prepare any and all design plans for the completion of this work
20	The Applicant shall be responsible for securing all permits and other approvals necessary for the construction of these improvements, including those permits required from the Metropolitan District Commission (MDC), the Massachusetts Highway Department (MHD), and City of Somerville departments
21	The Applicant may be relieved from applicable special permit conditions if another party, including the MHD, constructs the improvements. If the Applicant is relieved of any requirement to construct improvements, the Applicant shall contribute a sum of money equivalent to the value of the constructed improvements for the purpose of implementing traffic and safety improvements in the Broadway corridor from McGrath Highway to the City of Boston line
22	The Applicant shall post a performance bond in the amount of \$475,000 for the construction of the improvements as described in items 14b through 14e, above. This bond may be reduced upon recommendation of the Traffic & Parking Department as the work proceeds. If requested, the bond may be reduced to an amount commensurate with the amount of work yet to be completed as determined by the Department of Traffic & Parking
23	The Applicant agrees to provide a sum of \$250,000 to the Department of Traffic & Parking for the purpose of implementing traffic and safety improvements in the Broadway corridor from McGrath Highway to the City of Boston line
24	The Applicant shall provide engineering design services to the Massachusetts Highway Department for the construction of traffic and safety improvements at three locations on McGrath Highway. The Applicant shall provide plans, specifications, and estimates for the advertising of a construction bid package for improvements on McGrath Highway at Broadway, Pearl Street, and Medford Street. The construction documents shall become the property of the Massachusetts Highway Department and the City of Somerville upon completion

25	In order to help reduce single occupant vehicle trips to the site, the Applicant shall permit employees to purchase transit passes through payroll deductions and propose a TDM program subject to the approval of the SPGA. In addition, the Applicant shall provide a shuttle bus for area senior housing complexes, including but not limited to: Bryant Manor, Cobble Hill Apartments, 240 Pearl Street and Mt. Pleasant Apartments at 70 Perkins Street
26	The Applicant shall conduct a traffic volume-monitoring program to identify the actual traffic volumes generated by the site. The Applicant shall collect 24-hour automatic traffic recorder (ATR) traffic volumes at ten (10) locations and manual turning movement counts at seven (7) locations. Such locations shall be chosen at the discretion of the Traffic and Parking Department. The traffic volumes will be counted one month prior to opening of the store, one month after opening of the store, and six months after the opening of the store. The collected traffic volumes will be submitted concurrently to the Special Permit Granting Authority and the Department of Traffic & Parking
27	The Applicant will work diligently and in good faith with the residents of Kensington Avenue to design and construct traffic calming and/or prevention measures to address the use of Kensington Avenue as an access point to the site
28	The Applicant may only receive a certificate of occupancy once the traffic signal at the intersection of McGrath Highway Blakeley Avenue has been placed intoThe Applicant shall record an easement (with easement plans) for public access over the relocated Garfield Avenue, in a form and substance acceptable to the SPGA, which reserves the right to review and approve the easement and plan prior to its being recorded regular operation
29	The Applicant shall record an easement (with easement plans) for public access over the relocated Garfield Avenue, in a form and substance acceptable to the SPGA, which reserves the right to review and approve the easement and plan prior to its being recorded
30	The Applicant shall work diligently and in good faith with the residents of Garfield Avenue to identify replacement off-street parking to address the on-street spaces lost due to the project
31	The Applicant agrees to contribute \$500,000 to the City for improvements and enhancements to Harris Park and streetscape improvements along lower Broadway
32	The Applicant shall take the steps required to address the environmental impacts reported in the results of the study conducted by GZA Environmental