



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

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Case #: PB 2016-18
Site: Northpoint Parcel JK
Date of Decision: November 17, 2016
Decision: Petition Approved with Conditions
Date Filed with City Clerk: November 30, 2016

PLANNING BOARD DECISION

Applicant Name:	DW NP Property, LLC
Applicant Address:	One Kendall Square, Suite B3201, Cambridge, MA 02139
Property Owner Name:	DW NP Property, LLC
Property Owner Address:	One Kendall Square, Suite B3201, Cambridge, MA 02139
Agent Name:	Thomas N. O'Brien
Agent Address:	One Congress Street, 10 th Floor, Boston, MA 02114

<u>Legal Notice:</u>	NorthPoint Parcel J/K: (Case # PB 2016-18) Applicant/Owner DW NP Property LLC requests a Special Permit under §6.6.10.G for four loading docks on the secondary front lot line as part of a Commercial Office, R&D/Laboratory, or Other Use on Parcel JK within the overall NorthPoint development site. North Point Special District (NPSD). Ward 1.
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<u>Zoning District/Ward:</u>	North Point Special District (NPSD zone)/Ward 1.
<u>Zoning Approval Sought:</u>	§6.6.10.G
<u>Date of Application:</u>	September 28, 2016
<u>Date(s) of Public Hearing:</u>	November 17, 2016
<u>Date of Decision:</u>	November 17, 2016
<u>Vote:</u>	5-0



Appeal #PB 2016-18 was opened before the Planning Board at Somerville High School on November 17, 2016. 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 one hearing of deliberation, the Planning Board took a vote.

DESCRIPTION:

DivcoWest proposes to transform an existing unproductive area of Somerville into an integral part of a new and vibrant work-live-play urban community consistent with the goals identified in SomerVision for Transformational Mixed-Use areas. The Somerville portion of the project, which has land parcels both partially and wholly within Somerville, will incorporate a diverse mix of commercial uses including high-end office space, a grocery store, fitness center, and commercial parking balanced with an appropriate amount of ground-level retail.

Parcel JK (the Site) is approximately 62,502 square feet, proposed to be located on the south side of Dawes Street, as part of the larger NorthPoint development site. The uses proposed on the site are Commercial Office, R&D and/or Laboratory, Retail and Consumer Services, or a combination of those uses. The anticipated approximate gross floor area is approximately 362,746 square feet. The proposed site is anticipated to have a ground coverage ratio of 79.9% building coverage and 20.1% open space.

The proposed use for the Site is Commercial Office, R&D and/or Laboratory, Retail and Consumer Services, or a combination of these uses. This application for Special Permit pertains to loading docks proposed along one of the secondary front lot lines on Parcel JK. The anticipated loading docks will be located along Dawes Street. Three sides of the property front on thoroughfares, with the fourth side fronting on Baldwin Park. As such, the required loading docks need to be located along a lot line fronting on a thoroughfare.

The new Parcel JK building will have a total of four loading dock bays, all of which are accessed from Dawes Street. Both the Somerville and Cambridge Zoning Ordinances require a minimum of four loading dock bays based on the size and intended use of the building. All four loading bays are enclosed behind roll up doors, which when closed; screen the loading operations from view. The doors are constructed of sectional glass and metal panels, integrated into the architectural vocabulary of the Dawes Street façade.

The westernmost loading dock bay serves the ground level retail and restaurant tenants, and is accessed via one 14'-0" (tall) x 12'-0" (wide) roll-up door. This loading bay will remain clear for active loading for the retail and restaurant tenants.

The other three central loading dock bays serve the upper floor lab and office tenants, and are combined into a common loading area, which is accessed via one 14'-0" (tall) x 12'-0" (wide) roll up door and one larger 14'-0" (tall) x 24'-0" (wide) roll up door. Two of these three bays will remain clear for active loading for the tenants, and the third will be for a waste dumpster.

There is no building mounted exterior lighting planned for the loading dock door opening. Signage pertaining to the loading docks and for the entire site will be provided as part of the Site Plan and Design Review process to be submitted for approval at a later time.

FINDINGS FOR SPECIAL PERMIT (SZO §7.13.A):

Based on review of the submitted Special Permit Application, the Board finds that the proposal meets all of the requirements outlined in §6.6.3 of the SZO. This section of the report goes through the findings required by §6.6.3.C and D in detail.



1. Compliance with the submittal requirements of Section 5.1 Special Permits;

All applicable required documentation has been submitted with this application.

2. Conformance to the adopted master plan of the City of Somerville, existing policy plans and standards established by the City, or to other plans deemed to be appropriate by the Planning Board;

The proposed use conforms to the recently Amended Neighborhood Development Plan (NDP). The NDP is the overall guiding document for the design of the NorthPoint neighborhood in Somerville.

3. Consistency with purpose of the NPSD and of this Ordinance in general; and

The Board finds that the proposal is consistent with the NPSD and the SZO. Section 6.6.2 of the SZO states that the purpose of the NPSD is “to establish regulations supporting the development of a comprehensively planned neighborhood of mixed-use, moderate to high-density development within easy walking distance to transit...” The SZO lists additional characteristics, many of which apply to the NDP rather than the building parcels, with which the proposed use complies.

4. Compliance with the provisions set forth in Section 6.6.7 Lots, Section 6.6.8 Permitted Uses, Section 6.6.9 Building Types, Section 6.6.10 Parking and Loading, and Section 6.6.11 Environmental Performance, as applicable.

The application complies with the listed sections with the exception of Section 6.6.10 Parking and Loading, the requirements of which make this Special Permit application necessary - to allow the proposed loading docks on a secondary front lot line.



DECISION:

Present and sitting were Members Kevin Prior, Joseph Favaloro, Michael Capuano, Dorothy Kelly Gay and Rebecca Lyn Cooper. Upon making the above findings, Kevin Prior made a motion to approve the request for a Special Permit. Michael Capuano seconded the motion. Wherefore 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	<p>Approval is for the NorthPoint Parcel JK Special Permit application allowing four loading docks to be located on the Dawes Street building frontage line. This approval is based upon the following application materials and the plans submitted by the Applicant:</p> <table><tr><th>Date (Stamp Date)</th><th>Submission</th></tr><tr><td>September 28, 2016</td><td>Initial application submitted to the City Clerk’s Office including all appendices</td></tr></table> <p>Any changes to the approved special permit that are not <i>de minimis</i> must receive approval from the Planning Board.</p>	Date (Stamp Date)	Submission	September 28, 2016	Initial application submitted to the City Clerk’s Office including all appendices	DSP/BP/CO	Planning/ISD	
Date (Stamp Date)	Submission							
September 28, 2016	Initial application submitted to the City Clerk’s Office including all appendices							
Design								
2	All four loading bays must be behind roll up doors, which remain closed most of the time, to screen the loading operations from street view. The material and color of the doors must be integrated into the architectural vocabulary of the Dawes Street façade.	In perpetuity	Planning/Engineering					

Attest, by the Planning Board:



Kevin Prior, Chairman



Joseph Favaloro



Michael A. Capuano, Esq.



Dorothy A. Kelly Gay



Rebecca Lyn Cooper

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 _____

