



**CITY OF SOMERVILLE, MASSACHUSETTS**  
**OFFICE OF STRATEGIC PLANNING & COMMUNITY DEVELOPMENT**  
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**MAYOR**

**PLANNING DIVISION**

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FREDERICK J. LUND, *SENIOR DRAFTSMAN*

**Case #:** ZBA 2008-07-MA-0310

**Date:** March 30, 2010

**Recommendation:** Conditional Approval

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**PLANNING STAFF REPORT**

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**Site:** 56-61 Clyde Street ("MaxPak" site)

**Applicant Name:** KSS Realty Partners as Agent for 56 Clyde Street Acquisition, LLC & 61 Clyde Street Acquisition, LLC ("Developer")

**Applicant Address:** 20 Park Plaza, Suite 468, Boston, MA 02116

**Property Owner Name:** 56 Clyde Street Acquisition LLC & 61 Clyde Street Acquisition LLC

**Property Owner Address:** 20 Park Plaza, Suite 468, Boston, MA 02116

**Alderman:** Sean T. O'Donovan

**Zoning District/Ward:** Planned Unit Development-B (PUD-B) Overlay / 5

**Zoning Approval Sought:** Under §16.11.1 - Minor Amendment to PUD

**Date of Application:** March 24, 2010

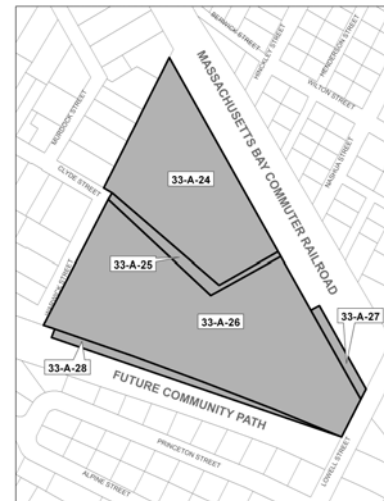
**Date(s) of Public Hearing:** Planning Board: April 1, 2010

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**I. PROJECT DESCRIPTION**

1. **Subject Property:** The subject property is trapezoidal in shape, bounded by Warwick Street and several residential properties to the northwest, the planned Somerville Community Path to the southwest (an inactive rail spur), Lowell Street to the southeast and the Lowell Branch commuter rail tracks to the northeast. The overall site is comprised of five separate parcels (MBLs: 33-A-24, 25, 26, 27 & 28), which contain approximately 236,900 square feet.

*(A minor project subdivision, which would convey 2,494 square feet to an adjoining property at 42 Clyde Street, consistent with the terms of the Development Covenant, was approved by the Planning Director on February 25, 2008)*



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*and is currently pending in the office of the Land Court-see proposed lot configuration dated February 6, 2008)*

2. Proposal: The applicant is proposing to reconfigure the parcels within the approved PUD into seven (7) parcels to align more closely with the approved buildings and community space. For example, Parcel A would be the location for the "Building A" development identified in the original SPSR approval. Parcel F would contain the common areas. Parcel breakdown is as follows:

Parcel A-1: 27,183sf  
Parcel A-2: 11,800sf  
Parcel B: 19,356sf  
Parcel C: 25,422sf  
Parcel D: 51,013sf  
Parcel E: 23,411sf  
Parcel F: 79,295sf

This reconfiguration is being proposed for conveyance and financing purposes. To ensure that the individual building parcels and common area parcel are properly maintained under this parcel configuration, the City will place a condition of approval upon this application that the following documents are recorded with the Middlesex Registry of Deeds:

1. The MaxPak Square Master Declaration of Covenants (w/exhibits A-G)
2. The MaxPak Square Open Space Covenant and Restriction
3. Air Rights Easement

These documents will provide a governance structure and a flexible system of standards and procedures for the overall development, expansion, administration, maintenance, repair, and preservation of Max Pak Square as a master planned community. The Developer will be responsible for governance, including maintenance, repair, and replacement of the MaxPak property during a declarative control period until 95% of the units within the PUD have been sold. At that time, there will be a Board of Directors of a Master Association, consisting of all unit owners in the entire development, which is required by the Master Declaration to hire a professional real estate company to maintain the common areas, community areas and public space of the entire MaxPak development. Parcel Associations created for Parcels A (A-1 and A-2), B, C, D, and E will each be responsible for the maintenance of their respective Parcels and the buildings on their respective Parcels, while also financially contributing to the maintenance of the common areas, community areas and public spaces on the shared Parcel "F".

3. Nature of Application: Under §16.11.1 of the Somerville Zoning Ordinance (SZO) Minor Amendments to the PUD is defined:

*16.11.1. Minor Amendments.* A minor amendment to a PUD shall be 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.

The SPGA or its designee shall be authorized to approve such minor amendments to a PUD upon written application and explanation of the change(s) by the owner (or its agent) of the property. No further public hearings shall be required.

This proposal meets the standards of the Minor Amendment definition and therefore no public hearing or findings are required for this amendment to the parcel configuration. However, SPGA approval in this circumstance would be required.

## **II. RECOMMENDATION**

### **Minor Amendment to PUD SZO §16.11.1**

Based on the above findings, the Planning Staff recommends **CONDITIONAL APPROVAL** of the requested **MINOR AMENDMENT**.

Although Planning Staff is recommending approval of the requested Minor Amendment, the following condition should be added to the amendment:

#	Condition	Timeframe for Compliance	Verified (initial)	Notes						
1	<p>Approval is for a Minor Amendment to reconfigure parcels within the MaxPak PUD. 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>(3/25/2010)</td><td>Initial application submitted to the City Clerk's Office</td></tr><tr><td>3/23/2010</td><td>Plan of Land</td></tr></table> <p>Any changes to the approved plan that is not <i>de minimis</i> must receive PB approval.</p>	Date (Stamp Date)	Submission	(3/25/2010)	Initial application submitted to the City Clerk's Office	3/23/2010	Plan of Land			
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3/23/2010	Plan of Land									
2	<p>Following final review and approval by the City's Law Department, the Applicant shall (a) record the following documents with the Middlesex South District Registry of Deeds and (b) simultaneously file them with South Middlesex Land Registration Office of the Land Court:</p> <ul style="list-style-type: none"><li>• The Max Pak Square Master Declaration of Covenants with Exhibits;</li><li>• The Max Pak Square Open Space Covenant and Restriction; and an</li><li>• Air Rights Easement</li></ul> <p>The foregoing documents shall be recorded and filed at the same time as the approved subdivision plan, and no building permit shall be issued for the MaxPak project until the Planning Staff has received certified copies of the recorded/registered documents.</p>	Building Permit	Plng.							