



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

PLANNING DIVISION

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DANA LEWINTER (ALT.)

Case #: PB 2008-07-R1110
Site: 56-61 Clyde St (MaxPak Site)
Date of Decision: January 6, 2011
Decision: *Petition Approved with Conditions*
Date Filed with City Clerk: Jan 11, 2011

PLANNING BOARD DECISION

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

Applicant Name: KSS Realty
Applicant Address: 20 Park Plaza, Suite 467, Boston, MA 02116
Property Owner Name: Master Clyde St Acquisition Realty Trust
Property Owner Address: 20 Park Plaza, Suite 467, Boston, MA 02116
Agent Name: Ted Tobin
Agent Address: 20 Park Plaza, Suite 467, Boston, MA 02116
Alderman: Sean T. O'Donovan

Legal Notice: Applicant KSS Realty and owner Master Clyde St Acquisition Realty Trust seek a revision to an approved Special Permit with Site Plan Review to modify the site design of an approved PUD development for 199 residential units, based upon enhancement of design, constructability, compliance with MAAB requirements and MBTA and MassDot requirements. The amended plan adjusts site grading and landscaping, reduces overall building height, modifies windows, changes building elevations, reduces total square footage, reduces total floor-area-ratio, reduces total lot coverage, reduces the number of parking garage entries, increases the number of parking spaces and changes the total number of bedrooms, but does not change the total unit count.

Zoning District/Ward: RB / Planned Unit Development-B (PUD-B1) Overlay / 5
Zoning Approval Sought: Under §5.3.8: Revisions to SPSR, final level approval of a PUD (§16.8)
Date of Application: November 24, 2010
Date(s) of Public Hearing: Planning Board: December 16, 2010
Date of Decision: January 6, 2011
Vote: 4-1



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Appeal #PB 2008-07-R1110 was opened before the Planning Board at the Visiting Nurses Association, 259 Lowell Street, on December 16, 2010. 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 and one meeting of deliberation, the Planning Board took a vote.

DESCRIPTION:

The proposal is to make alterations to the design of the 199 unit residential project that was permitted in 2008 by making changes to buildings A, B, C and E and elements of the site surrounding these buildings. The changes are based upon enhancement of design, constructability, compliance with MAAB requirements and MBTA and MassDOT requirements. The amended plan adjusts site grading and landscaping, reduces overall building height, modifies windows, changes building elevations, reduces total square footage, reduces total floor-area-ratio, reduces total lot coverage, reduces the number of parking garage entries, increases the number of parking spaces and changes the total number of bedrooms, but does not change the total unit count. The Applicant has also indicated their goal of expediting the construction process to reduce construction time from the four year period that was originally anticipated to approximately two years.

FINDINGS:

Section 16.8.3 of the SZO provides that applications for final level approval of a PUD must demonstrate "how the final level plan complies with the approved PUD preliminary master plan" as well as conforming with the requirements for Special Permit with Site Plan Review.

Detailed findings for the SPSR and the original PUD are contained in the following appendices:

- Appendix A: Findings for SPSR under SZO §5.2.5;
- Appendix B: Compliance with Conditions attached to PUD-PMP approval.

DECISION:

Present and sitting were members Kevin Prior, Elizabeth Moroney, Joseph Favaloro, James Kirylo and Michael Capuano. Upon making the attached findings, Kevin Prior made a motion to approve the request for revisions to the special permit with site plan review. James Kirylo seconded the motion. Wherefore the Planning Board voted **4-1** to **APPROVE** the request with Michael Capuano voting in opposition. The Planning Board has attached the revised **conditions of the SPSR** to reflect the requested changes in the following **Table 1**.



Attest, by the Planning Board:



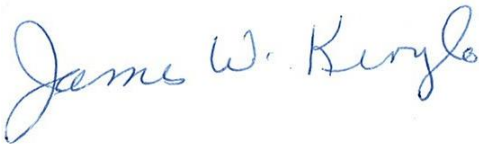
Kevin Prior, Chairman



Elizabeth Moroney



Joseph Favaloro



James Kirylo



Michael A. Capuano, Esq.

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



CLERK'S CERTIFICATE

Any appeal of this decision must be filed within twenty days after the date this notice is filed in the Office of the City Clerk, and must be filed in accordance with M.G.L. c. 40A, sec. 17 and SZO sec. 3.2.10.

In accordance with M.G.L. c. 40 A, sec. 11, no variance shall take effect until a copy of the decision bearing the certification of the City Clerk that twenty days have elapsed after the decision has been filed in the Office of the City Clerk and no appeal has been filed, or that if such appeal has been filed, that it has been dismissed or denied, is recorded in the Middlesex County Registry of Deeds and indexed in the grantor index under the name of the owner of record or is recorded and noted on the owner's certificate of title.

Also in accordance with M.G.L. c. 40 A, sec. 11, a special permit shall not take effect until a copy of the decision bearing the certification of the City Clerk that twenty days have elapsed after the decision has been filed in the Office of the City Clerk and either that no appeal has been filed or the appeal has been filed within such time, is recorded in the Middlesex County Registry of Deeds and indexed in the grantor index under the name of the owner of record or is recorded and noted on the owner's certificate of title. The person exercising rights under a duly appealed Special Permit does so at risk that a court will reverse the permit and that any construction performed under the permit may be ordered undone.

The owner or applicant shall pay the fee for recording or registering. Furthermore, a permit from the Division of Inspectional Services shall be required in order to proceed with any project favorably decided upon by this decision, and upon request, the Applicant shall present evidence to the Building Official that this decision is properly recorded.

This is a true and correct copy of the decision filed on _____ in the Office of the City Clerk, and twenty days have elapsed, and

FOR SPECIAL PERMIT(S) WITHIN

_____ there have been no appeals filed in the Office of the City Clerk, or

_____ there has been an appeal filed.

Signed _____ City Clerk Date _____



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**Findings for PUD-SPSR
56-61 Clyde Street (MaxPak site) PB 2008-07-R-1110**

The following checklist outlines standards for Special Permit with Site Plan Review (SPSR). Revisions affecting the approved SPSR findings are in **bold**.

Requirements for SPSR (SZO §5.2.5)			
Requirement	Met	Not Met	Finding
1. Information supplied. Complies with the information requirements in Section 5.2.3;	X		All required information has been submitted.
2. Compliance with standards. 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;	X		<p>The proposal complies with all standards except three, for which waivers are sought. These waivers—for a 1:1 parking ratio and reduced dimensions for parallel spaces—are necessary to the success of a well-designed plan featuring numerous site improvements and amenities that will benefit non-residents of the site, and should be granted. Waivers have already been granted to reduce setbacks from the project boundaries. A special permit for shared parking was obtained from the Zoning Board of Appeals.</p> <p>The revised plans continue to comply with the dimensional requirements for the PUD. The buildings were designed to be more efficient resulting in the ground coverage to reduce slightly from 30.8% to 28.5%, the landscape area to increase from 48% to 50% and the FAR to reduce from 1.06 to 0.92. One story of Building A will be removed and the floor-to-floor heights have reduced, lowering the overall building heights slightly. The number of units and bedrooms on the Warwick Street side of the development continues to comply with the requirement that no more than 65 units and 110 bedrooms are within this area.</p>
3. Purpose of district. Is consistent with the intent of the specific zoning district as specified in Article 6;	X		As required under §16.1, which sets forth the purposes of the PUD-B1 district, the development would “provide for a mixture of land usage...at greater variety, density, and intensity than would normally be allowed” and “to achieve...land development responsive to an analysis of the environmental assets of a site, both natural and man-made”. It would also “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” as well as concentrating development “in the most suitable and least environmentally sensitive areas of the landscape” while “preserve[ing] and enhanc[ing] open space”.
4. Site and area compatibility. 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;	X		<p>As previously described, the site will improve in this regard. The site layout, use, and building design have been reviewed by the Historic Preservation Commission, Design Review Committee, City Staff, and in community meetings. The design has been praised for its sensitivity to the difficult slope, the abutting residential neighborhoods, and the historic use, as well as for its adaptation of a contaminated site with restricted access.</p> <p>The elimination of the stoops on Buildings B, E and on the east elevation of C is a change that is required by the MAAB. The proposal works with the grading on</p>

**Findings for PUD-SPSR
56-61 Clyde Street (MaxPak site) PB 2008-07-R-1110**

Requirements for SPSR (SZO §5.2.5)			
Requirement	Met	Not Met	Finding
			the site to provide access into the buildings with less ramps than would otherwise be required and with the landscaping to visually connect porches to the street to try to recapture some of the pedestrian connection that was lost with removal of some of the stoops. The stoops were an important element that was shared with the surrounding neighborhood. The grade change to accommodate the MBTA request for a secondary handicap access to the proposed Lowell Street Station is important. The changes to the buildings maintain the originally proposed general massing and contemporary industrial feel to the project.
5. Functional design. Meets accepted standards and criteria for the functional design of facilities, structures, and site construction;	X		As previously described, the site will improve in this regard. New roadways and paths will increase connectivity; soils and groundwater have been remediated; drainage will improve. The changes to the construction phasing will reduce the number of years that neighbors will be living near a construction site. The construction vehicle access ways will be revised to be adjust for the elimination of the phasing of the project while keeping the intent of the original construction plan.
6. Impact on Public Systems. 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;	X		As a result of the development, the site's infrastructure will improve. The City Engineer has reviewed the design and found it to be acceptable.
7. Environmental impacts. 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; and	X		As previously described, the site will improve in this regard. A Response Action Outcome has recently been filed with the Massachusetts Department of Environmental Protection documenting the clean-up of soils, such that no activities and use limitations are required at the site; and the completion of ground water sampling and laboratory analysis, which indicates that ground water quality is no longer being impacted by former release areas, and is in fact continuing to improve.
8. Consistency with purposes. 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.	X		As previously described, the proposal is consistent both with the purposes of the PUD-B1 district, as well as citywide purposes, including: "to promote the health, safety, and welfare of the inhabitants", "to provide for and maintain the uniquely integrated structure of uses"; "to preserve the historical and architectural resources", "to adequately protect the natural environment", "to encourage the most appropriate use of land", "to encourage housing for persons of all income levels", and "to preserve and increase the amenities of the municipality".

**Findings for PUD-SPSR
56-61 Clyde Street (MaxPak site) PB 2008-07-R-1110**

Requirements for SPSR (SZO §5.2.5)			
<i>Requirement</i>	<i>Met</i>	<i>Not Met</i>	<i>Finding</i>
<p>9. Preservation of landform and open space. 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;</p>	X		<p>As previously described, the development is sensitive to the site's topography and will result in significant new open space, in excess of the SZO's requirements. Natural slopes are being restored in areas and significant new plantings (nearly 4 times the requirement) will be introduced to the site.</p> <p>The construction of a ramp down into the site and multiple stairs leading down toward the Community Path will reduce the need for significant regrading. Many aspects of the design—concentration of structures, reduction of parking, placement of most parking below structures)—will allow significant reductions in impervious coverage as compared both to existing conditions and to traditional lower-density development with individual driveways.</p>

**Findings for PUD-SPSR
56-61 Clyde Street (MaxPak site) PB 2008-07-R-1110**

Requirements for SPSR (SZO §5.2.5)			
Requirement	Met	Not Met	Finding
<p>10. Relation of buildings to environment. 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;</p>	X		<p>As previously described, the development is sensitive to the site's natural and built environment. Situated in a difficult site to plan—featuring an 11-foot slope, bounded on two sides by “walls” of existing and former rail rights-of-way, comprised of a contaminated site with a derelict but historic structure, and surrounded by established neighborhoods of quiet and small-scale character—the proposal has nevertheless turned each disadvantage into a positive attribute.</p> <p>The development concentrates the unit density toward the low center of the site, where visual and height impacts would be less perceptible to lower-density surrounding neighborhoods. The concentrated development in certain areas allows for the provision of significant open space that will be inviting to persons coming from outside the development as well as to its own residents.</p> <p>The slope will provide a dramatic entry from Lowell Street, while also masking the site's centralized density from surrounding neighborhoods. Where its edges meet these neighborhoods, building height is lower and the design reflects lower-density development types. While entirely new, and seemingly contemporary architectural design is proposed, the designs (which are preliminary at this stage) would reflect the site's historically significant industrial past, while replacing it with a use far more compatible with surrounding areas. The design creates multiple new connections between neighborhoods and public amenities—including a new park as well as the Community Path—while also prevented unwanted cut-through traffic by cars. Significantly, the design has multiple fronts: both internally, onto the new common area, and externally, onto neighboring Lowell, Clyde, and Warwick Streets, the Community Path, and the rail right-of-way. This is exceedingly difficult to accomplish; but success in this case makes the development complete in itself while also part of the surrounding neighborhood fabric. The design would improve on-site infrastructure.</p> <p>Generally the relation of the buildings to the environment has not changed; however, two changes have improved this relationship. The elimination of the at-grade structured parking in Building A improved the façade that faces the Community Path. Also, moving the Community Clubhouse to a two-story pavilion at the northern end of Building A with a roof deck at the second story activates the area near the train stop and improves the accessibility of this space.</p>

**Findings for PUD-SPSR
56-61 Clyde Street (MaxPak site) PB 2008-07-R-1110**

Requirements for SPSR (SZO §5.2.5)			
<i>Requirement</i>	<i>Met</i>	<i>Not Met</i>	<i>Finding</i>
<p>11. Stormwater drainage. 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. Stormwater shall be removed from all roofs, canopies, and powered area, and routed through a well-engineered system designed with appropriate stormwater 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 back-flow through drains or catch basins may be required;</p>	X		<p>As a result of the development, the site's drainage infrastructure will improve. New drainage systems are proposed and have been found satisfactory by the City Engineer.</p> <p>Where site will naturally direct water onto the adjoining Community Path, there is not an opportunity to install drainage systems on the private property. However, Staff will work with the applicant in the final landscape design to identify opportunities to mitigate this existing condition through plant species and location on key slopes.</p>
<p>12. Historic or architectural significance. 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;</p>	X		<p>The site is the subject of a Memorandum of Agreement (MOA) between the Developer and the City's Historic Preservation Commission. The Historic Preservation Commission has unanimously voted that the building design satisfies that criterion of the MOA, and has expressed itself as "pleased" with the outcome.</p> <p>Other items from the MOA must be satisfied as conditions of this approval.</p> <p>The incorporation of these design elements is true to the original design that satisfied the HPC. The industrial feel of the buildings meant to reflect the history of the site is maintained with the current proposal.</p>

**Findings for PUD-SPSR
56-61 Clyde Street (MaxPak site) PB 2008-07-R-1110**

Requirements for SPSR (SZO §5.2.5)			
Requirement	Met	Not Met	Finding
13. Enhancement of appearance. 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;	X		The new development will dramatically enhance the appearance of the site, through replacement of unsound buildings with occupied homes and replacement of broken pavement with new streets, sidewalks, landscaping, and open space. The new buildings will echo the design of the historic industrial building, while the nuisances associated with the existing structure and its contaminated site will be removed. Due to the sensitive design and scale of the proposal, it will not need to be screened, as recommended in this standard—rather, it will offer a transition from existing neighborhoods into its public center.
14. Lighting. 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;	N/A		Lighting plans show adequate lighting throughout the paths of the site, with minimal spillover (usually less than 1 f.c.) beyond the site's edges.
15. Emergency access. There is easy access to buildings, and the grounds adjoining them, for operations by fire, police, medical and other emergency personnel and equipment;	X		The site has been designed to allow access for emergency vehicles to the site. Curbs will be mountable by larger emergency vehicles. OSPCD staff will coordinate with Fire Prevention and the Applicant on the final specifications of the traffic barrier.
16. Location of access. The location of intersections of access drives with the City arterial or collector streets minimizes traffic congestion;	X		The access drives align appropriately with Lowell, Clyde and Warwick Streets and have been designed in accordance with traffic studies to mitigate neighborhood concerns about cut-through traffic and division of trips generated by the site itself.
17. Utility service. Electric, telephone, cable TV and other such lines and equipment are placed under-ground from the source or connection, or are effectively screened from public view;	X		Utilities will be placed underground. Screening of transformers is proposed through use of landscaping. Final details of utilities, transformers, and their manner of screening must be presented to Planning Staff in order to review for compliance with this SPSR prior to building permits.
18. Prevention of adverse impacts. 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;	X		A noise study has been conducted indicating that indicate minimal changes in noise impacts for most of the site; except for significant reductions in noise to the west of the site. Where sound levels would increase, they are deemed an “insignificant” “just noticeable difference” [i.e., less than 3 db]; this would result from the retaining wall along the rail and impact only the neighborhood to the north. Shadow studies indicate that shadows will be limited almost entirely to the site itself during the vernal and autumnal equinox, with the only outside effects falling on the commuter rail right-of-way.
19. Signage. 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;	N/A		No signage is proposed in the package, except that a historical interpretive kiosk will be provided as part of the MOA with the SHPC. Any new signage must comply with the standards of the SZO for signs in residential districts.

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Requirements for SPSR (SZO §5.2.5)			
Requirement	Met	Not Met	Finding
20. Screening of service facilities. 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;	N/A		Utilities that are not placed underground or within buildings are shown as screened with landscaping. Any additional utilities not shown on the plans must be located and screened to the satisfaction of the Planning Division.
21. Screening of parking. In cases of buildings on stilts, the parking areas should be screened or partitioned off from the street by permanent structures except in the cases where the entrance to the parking area is directly off the street;	N/A		Parking is predominantly in structures or in traditional on-street locations. However, a parking lot is proposed at the northwest corner of the site, adjoining residential property. The applicant has proposed a fence and landscaping to screen the parking from the residential abutters. More details on this, particularly if bamboo is proposed as a screening material, are needed.

The following checklist outlines Design Guidelines which “shall be adhered to” according to SZO §16.7.

PUD Design Guidelines (SZO §16.7)			
Guideline	Met	Not Met	Finding
1. 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		As previously described, the design of the development is coordinated, contextual, and attractive. The design of the site, which physically and visually connects the site to existing neighborhoods, allows a variety in building type, scale, and materials to nevertheless appear organized. Organization of streets and buildings around a central square, with multiple access points to the neighboring Community Path, makes the site fit into its surroundings, and furthermore will permit it to age gracefully, growing into a true neighborhood. Staff find that the revised design of the buildings improves the appearance of the project, is contextual and continues to provide a cohesiveness to the project. The materials continue to be industrial in nature and are chosen in a way to provide distinct buildings with a consistent overall feel. Newly proposed materials include zinc shingles (if the budget permits), fiber cement, composite metal panels, copper colored aluminum shingles, metal railings, metal roofing, and fiberglass windows.
2. Buildings adjacent to usable open space should generally be oriented to that space, with access to the building opening onto the open space;	X		Remarkably, the buildings have been designed with no apparent backs. They are oriented not only to the central square, but also to surrounding streets and rights-of-way.
3. 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		Because of the use of varied scale and the site’s slope, the buildings are more sensitive to surrounding areas when given a horizontal emphasis. The tallest element will be Building A, where the ramp will lead under a gateway into the square. In this way, the additional building height is treated dramatically but is not

**Findings for PUD-SPSR
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PUD Design Guidelines (SZO §16.7)			
<i>Guideline</i>	<i>Met</i>	<i>Not Met</i>	<i>Finding</i>
			<p>impactful to surrounding areas. Where the buildings adjoin or face residential property, they will not exceed the base height district.</p> <p>The tallest element of the project on Building A has been reduced because the parking garage was arranged more efficiently. The heights of the other buildings have also been reduced slightly because the floor-to-floor heights were reduced.</p>
4. 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 site design, which is conceived both as a Traditional Neighborhood Design and a Transit Oriented Design, strongly emphasizes the public space as the primary organizer of private space. Creation of pedestrian networks and landscaped commons is central to this idea. Landscaping will exceed the requirements of the SZO, and additional landscaped area is proposed above that anticipated in the Master Plan review.
5. 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 indicate that shadows will be limited almost entirely to the site itself during the vernal and autumnal equinox, with the only outside effects falling on the commuter rail right-of-way.
6. 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		Access to the site will be limited to a single access to Lowell Street on the east and a single access to the Warwick/Clyde one-way couplet on the west.
7. 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		The five-acre site will feature smaller scale neighborhood roads as appropriate for a development of this size. No streets are proposed for public dedication; nevertheless their design shall be subject to City review and approval.

**Findings for PUD-SPSR
56-61 Clyde Street (MaxPak site) PB 2008-07-R-1110**

PUD Design Guidelines (SZO §16.7)			
<i>Guideline</i>	<i>Met</i>	<i>Not Met</i>	<i>Finding</i>
8. 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 division of the buildings into different types and scales, and the reflection of the surrounding neighborhoods in the site's street layout, contribute to a sense of a walkable neighborhood. The site's location north of the Community Path and its orientation around a wide public green minimize shadow impacts to proposed buildings.
9. The PUD design should preserve and enhance natural features such as topography, waterways, vegetation, and drainage ways.	X		As previously described, the site will be improved in these regards.
10. The PUD design should minimize impervious surfaces and incorporate other design features to minimize storm water runoff.	X		<p>The site's concentration of dwellings and parking facilities into smaller footprints and the provision of parking along streets instead of the ends of driveways will result in less impervious coverage than a by-right development of individual homes; the redeveloped site will also feature less impervious coverage than is now on the site. Improved underground storm drains and a detention facility under the park will also improve runoff.</p> <p>The proposed buildings with more efficient layouts and smaller footprints cause the amount of pervious surface to increase by approximately 3,493 sf further improving the drainage situation on the site.</p>
11. 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 site meets several major objectives of transit-oriented development, with its proximity to a planned MBTA Green Line station, multiple connections to the Community Path, provision of covered bicycle parking (in many locations adjoining the Path), and street and sidewalk network. The City is participating in meetings with the MBTA regarding the Green Line extension and station planning. The MBTA wishes to limit access to the planned Lowell Street station to a location off-site.
12. Make shopping centers and business parks into all-purpose activity centers.	N/A		Not Applicable.

**Compliance Table: Conditions of Approval for PUD-Preliminary Master Plan
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The following are conditions of approval for the PMP (PB2008-01) that were contained within the final approved SPSR. Revisions to the approved SPSR that affect these conditions as well as updates for these conditions are in **bold**.

#	Condition	Met	Not Met	Notes
<u>General</u>				
1.	Approval is for a 199-unit residential development, comprised of nine buildings surrounding a courtyard and organized around new private ways. The eastern portion of the site shall be accessed via a new ramp descending from Lowell Street, and the western portion of the site shall be accessed via Warwick Street, with egress via Clyde Street. There shall be three connections from the site to the Community Path to the south.	X		
2.	Final details of the site plan and building design shall be reviewed during Special Permit with Site Plan Review (SPSR) for final level approval of the PUD. This review shall ensure that the project is well-integrated and compatible with the existing neighborhood context in terms of scale, materials, and proportions; and shall ensure appropriate fenestration, façade articulation, and unit configuration on all sides of buildings facing existing neighborhoods so that no neighborhood overlooks a defined rear of the development, such as a blank wall.	X		
3.	Usable open space shall be accessible to the public from 7:00 a.m. to 6:30 p.m.; except that, during Daylight Savings Time, the usable open space shall be accessible to the public from dawn to dusk. City review of deed restrictions will be applicable prior to the issuance of Certificates of Occupancy.	X		Is required as condition of SPSR.
<u>Building Design</u>				
4.	Buildings shall be designed in accordance with the Memorandum of Agreement (MOA) between the developer and the Somerville Historic Preservation Commission, dated January 17, 2008.	X		The HPC has unanimously deemed the design to be consistent with the MOA. HPC reviewed the revisions at their meeting on 12/14/10. The current

**Compliance Table: Conditions of Approval for PUD-Preliminary Master Plan
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#	Condition	Met	Not Met	Notes
				plans are considerably more detailed and serve to further solidify the conformity with the MOA in terms of glazing, the use of metal siding, low slope roof pitches, and metal framed entryways and canopies.
5.	No portion of any building along Warwick Street within 30 feet of abutting properties shall exceed three stories above basement level parking or forty feet in height.	X		Is required as condition of SPSR.
6.	No buildings along Lowell Street shall exceed four stories or fifty-six feet in height above the Lowell Street grade.	X		Is required as condition of SPSR.
7.	During SPSR, the Applicant (or its successors/assigns) shall submit a report by an acoustical consultant, as required in the Development Covenant, comparing existing and proposed noise conditions and their effects on the neighborhoods north of the commuter rail right-of-way. If noise conditions worsen as a result of the architectural design, appropriate mitigation shall be provided.	X		Acentech Incorporated performed an analysis of the sound levels post construction. It was found that the area to the north of the rail right-of-way would experience either slightly reduced, or no significant change, in sound levels.
8.	During SPSR, the Applicant (or its successors/assigns) shall submit a LEED checklist for the project.	X		Pre-certification estimates indicated that the proposal would meet LEED standards at the certified level.
<u>Transportation Management/Traffic Circulation</u>				
9.	<u>Parking Management:</u> The Applicant shall comply with the terms of the Transportation Demand Management Plan, entitled "MaxPac Square, Proposed Parking Monitoring Program", stamped into OSPCD on April 2, 2008, which prescribes standards for on-street parking, monitoring,		N/A at this stage	This condition is continuous for up to 5 years after full occupancy of phase I.

**Compliance Table: Conditions of Approval for PUD-Preliminary Master Plan
56-61 Clyde Street (MaxPak site) PB2008-07-R-1110**

#	Condition	Met	Not Met	Notes
	and mitigation for up to five years subsequent to occupancy of Buildings C & D.			
10.	<u>Barrier</u> : A permanent barrier, designed in consultation with the Fire Prevention Bureau, shall be installed and maintained, to prevent traffic flow through the site. This barrier shall be located such that parking for 65 of the units (containing no more than 110 bedrooms) will be accessed only via Warwick Street, and parking for the remaining 134 units will be accessed only via Lowell Street.		N/A at this stage	Applicable at CO. Is required as condition of SPSR.
11.	During SPSR, the Applicant (or its successors/assigns) shall describe measures that will be employed to encourage residents to use alternative transportation measures, such as ZipCars. The Applicant (or its successors/assigns) shall also provide space for bicycle storage.			Illustrated in TDM plan.
<u>Water System</u>				
12.	Fire flow testing is required. This area was converted to high pressure system in 1978. Existing static pressures are approximately 80 p.s.i.	X		
<u>Sanitary Sewer System</u>				
13.	The Applicant (or its successors/assigns) must provide final designs during SPSR, demonstrating that the system is adequately designed for gravity flow or provided with pumps.		Recommend Deferral	The City Engineer has indicated that these designs may be submitted prior to construction.
14.	Applicant (or its successors/assigns) shall make every effort to comply with DEP requirement that states “whenever possible” a minimum horizontal distance of ten feet shall be maintained between sewer lines and water mains. Exceptions are usually only allowed when there are conflicts with existing utilities or existing structures that would prevent obtaining the proper separation.	X		Is required as condition of SPSR.
<u>Stormwater Management System</u>				
15.	The Applicant (or its successors/assigns) must replace the existing storm	X		Is required as condition of

**Compliance Table: Conditions of Approval for PUD-Preliminary Master Plan
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#	Condition	Met	Not Met	Notes
	drain with ductile iron pipe and manholes on either end where building “A” would be constructed over the drain.			SPSR.
16.	A Drainage Report must be generated by the consultant and stamped by a Registered Professional Engineer. The Report should show compliance with the city’s zoning ordinance with respect to storm water management, DEP regulations and sound engineering analysis and design.	X		
17.	An “Inspection and Maintenance Plan” must be developed by the consultant and provided to the Applicant (or its successors/assigns) for the future maintenance of the drainage system and for compliance with storm water regulations.	X		
18.	Applicant (or its successors/assigns) shall provide a detailed set of plans identifying items such as sequence of construction, limits of phasing, and placement/type of erosion control measures.	X		
19.	Applicant (or its successors/assigns) shall comply with requirements of the NPDES General Permit for managing stormwater during construction activities and submit a copy of their stormwater management plan at the time of filing for their building permit.	X		Is required as condition of SPSR.
20.	The project proponent must take steps to minimize storm water quality impacts from construction activities by developing and implementing a plan for erosion and sediment controls. Since there is no stream or brook in the vicinity of the site, this plan should focus on preventing storm water run-off from eroding soils disturbed and running into catch basins and drainage swales.	X		Is required as condition of SPSR.
<u>Site Design</u>				
21.	An SPSR submittal for each phase shall be accompanied by an update of the overall master plan with the following level of information:			
	a. Updated dimensional table.	X		
	b. Consistent dimensions between all plans and between elevations, sections, and plans.	X		
	c. Site plan with dimensions of buildings, setbacks, travel lanes, parking lanes, landscaped areas, and sidewalks.	X		Need more detail prior to BPs.

**Compliance Table: Conditions of Approval for PUD-Preliminary Master Plan
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#	Condition	Met	Not Met	Notes
	d. Construction phasing plan.	X		The project is no longer going to be constructed in phases. The construction vehicular access will be limited accordingly.
22.	<u>Fire Department Access:</u> During SPSR review, the Applicant (or its successors/assigns) shall provide more detailed information on the following items for review and approval by Fire Prevention:		Recommend Deferral	Per conversations with Fire Prevention, final review will occur before BPs are issued. Is required as condition of SPSR.
	a. Ramp design must be sufficient to support fire trucks.			
	b. Clearance under Building “A” must be sufficient to allow passage of fire trucks.			
	c. Design of barrier and Opticom technology must be reviewed.			
	d. Access to Buildings “D” and storage buildings must be reviewed; if access is insufficient, sprinklers will be required.			
	e. Curb design must allow fire trucks to turn around or mount the curbs.			
	f. 18-foot wide fire access must be provided.			
23.	<u>Maintenance:</u> The Applicant (or its successors/assigns) shall be responsible for maintenance of both the building and all on-site amenities, including landscaping, publicly accessible open space, fencing, lighting, parking areas and storm water systems, ensuring they are clean, well kept and in good and safe working order; and shall also be responsible for snowplowing and street cleaning.		N/A at this stage	Is condition of SPSR.
	The Applicant (or its successors/assigns) shall be responsible for all design, construction, maintenance and repair of all roadways, streetscape including street lighting and other street furnishings, and parks and open space which are part of the PUD. Applicant (or its successors/assigns) shall be responsible for the design and construction of water, sewer, and storm drainage systems serving the PUD. Applicant (or its successors/assigns) shall be responsible for the usage costs of electricity, gas, water, cable and other utilities furnished to the PUD, and for trash removal. All utilities shall be designed and installed in accordance with the City of Somerville’s standards and specifications.			
24.	At least 51% of parking spaces shall be covered.	X		
25.	Applicant (or its successors/assigns) shall submit detailed landscaping and open space plans demonstrating conformance to SZO requirements.	X		Also condition of SPSR. This plan may be revised

**Compliance Table: Conditions of Approval for PUD-Preliminary Master Plan
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#	Condition	Met	Not Met	Notes
	Applicant (or its successors/assigns) shall also provide a landscaped buffer between the parking in the site's northwest corner and the adjoining residential properties.			prior to CO in consultation between applicant and Staff. Specific goals include screening of transformers, mitigation of existing drainage from Lowell St to Community Path, and screening of northwestern parking area from adjoining residences.
26.	As per the Development Covenant there shall be ADA compliant access provided to the Path from Lowell Street, from the center of the site, and from Warwick Street. The location and design of these routes and access points shall be finalized during SPSR. The final plan shall retain the escalate from the easterly side of the site to the Path.	X	Partially Waived	Access from Lowell Street is provided by passing through building A. The slope from Lowell Street to the path did not make ADA access feasible.
<u>Housing</u>				
27.	The development will be subject to the 12.5% inclusionary housing requirements of Article 13. An Affordable Housing Implementation Plan shall be developed prior to the issuance of the SPSR and an Affordable Housing Restriction shall be executed prior to the issuance of Certificates of Occupancy for the designated affordable units.	X		
<u>Site Remediation, Demolition and Project Phasing</u>				
28.	Site remediation shall proceed under the direction of a licensed site professional, as required by the Massachusetts Contingency Plan and according to a remediation plan filed under MGL 21E. All required findings shall be made with Massachusetts DEP prior to any demolition or development at the site.	X		RAO has been filed with Mass DEP, and letter from LSP is on file with PLNG & OSE.
29.	The Applicant (or its successors/assigns) 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		N/A at this stage	Is condition of SPSR.

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#	Condition	Met	Not Met	Notes
	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 of concrete.			
30.	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.		N/A at this stage	Is condition of SPSR.
31.	The Applicant (or its successors/assigns) will provide notice of intent to comply, to the maximum extent feasible, strategies during demolition and construction to mitigate dust and control air quality, to minimize noise and to implement a waste recycling program for the removed debris.		N/A at this stage.	Is condition of SPSR.
32.	The Applicant (or its successors/assigns) shall develop a demolition plan in consultation with the City of Somerville Inspectional Services Department. Full compliance with proper demolition procedures shall be required, including timely advance notification to abutters of demolition date and timing, good animal control measures, minimization of dust, noise, odor, and debris outfall, and sensitivity to existing landscaping on adjacent sites.		N/A at this stage.	Is condition of SPSR.
33.	Before demolition/building permits are issued, soil tests must be conducted. If soil contamination is observed by soil test results, the Applicant (or its successors/assigns) 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 Department:			
	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	X		RAO has been filed with Mass DEP, and letter from LSP is on file with PLNG & OSE.
	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	N/A, see above		

**Compliance Table: Conditions of Approval for PUD-Preliminary Master Plan
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#	Condition	Met	Not Met	Notes
	and safety of workers at the site, and (iii) a plan for monitoring air quality in the immediate neighborhood.			
34.	Notification must be made, within the time period required under applicable regulations, to the Massachusetts Department of Environmental Protection (DEP) if there is any reportable release of oil, hazardous materials, or regulated hazardous substances at the site. The City's OSE office and the Board of Health shall also be notified.		N/A at this stage.	Is condition of SPSR.
35.	Project phasing shall conform to the requirements of the Development Covenant and details shall be provided for review during SPSR. Specifically:	X		<p>Conditions of SPSR. Will be reviewed by ISD and PLNG prior to BP issuance. Is condition of SPSR.</p> <p>See new condition #6 for SPSR and new construction phasing information in staff report.</p>
	<p>a. Phase 1 shall consist of construction of up to 65 units (with no more than 110 bedrooms) at the Warwick Street edge of the property. The Applicant (or its successors/assigns) shall use the undeveloped portion of the Community Path right of way for access and egress of construction vehicles during this Phase, subject to receipt of a license from Transit Realty Associates to do so. If this phase is not completed prior to commencement of the Community Path's construction, the Applicant (or its successors/assigns) may use other reasonable means of construction access and shall follow the instructions of the MBTA and the City regarding construction access and egress.</p>			
	<p>b. Phase 2 A shall consist of construction of the ramp and foundations and site work for remaining buildings. Unless otherwise directed by the City, during Phase 2 A all construction vehicles shall enter the site via Warwick Street using the Applicant's (or its successors'/ assigns') land adjacent to the Community Path and shall exit the site by making a right hand turn onto Warwick Street and a left hand turn onto Clyde Street. Access for construction shall be restricted to the ramp as soon as the ramp has been constructed to a safe, passable level. The Applicant (or its successors/assigns) shall keep current a permit for the ramp from the Massachusetts Highway Department, and shall continue to comply with the state roadway permit process to ensure that the ramp meets all state standards for sight lines and public safety and shall supply relevant information as required by the City.</p>			
	<p>c. Phase 2 B shall consist of the construction of approximately 65 residential units and associated parking. construction of Phase 2 B buildings (other than work completed as Phase 2 A) shall not begin until the ramp has been constructed to a safe, passable level, at which point vehicular traffic related to Phase 2 B shall be restricted to the Ramp.</p>			

**Compliance Table: Conditions of Approval for PUD-Preliminary Master Plan
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#	Condition	Met	Not Met	Notes
	d. Any additional phases shall consist of the construction of the remaining residential units, and access/egress for construction vehicles shall be solely via the ramp.			
	e. The construction schedule will be determined in a standard large project construction agreement between the City and the Developer during SPSR.			
<u>Other Commitments</u>				
	The Applicant (or its successors/assigns) shall provide all other commitments as negotiated in the Development Covenant as it may be amended from time to time, including:			
36.	Upon issuance of an SPSR for Phase 1, funds for community benefits and/or amenities as agreed to in the Covenant.	X		
37.	The Applicant shall also provide:			
	a. Landscape improvements on property adjoining the Community Path;		N/A at this stage	Shown in plans.
	b. Landscape screening buffer adjacent to buildings along the Commuter Rail right-of-way;		N/A at this stage	Shown in plans.
	c. Public sidewalk complying with all applicable standards along Warwick Street (parallel parking in this area will remain part of the private development);		N/A at this stage	Shown in plans.
	d. Removal of rails and ties from Community Path right-of-way in the area used for construction access, if so used; Applicant shall be responsible for disposal of the ties, while the MBTA will assume responsibility for disposal of the rails; and	X		
	e. Funds for the raised crossing at the corner of Cedar Street and the Community Path (as part of the traffic mitigation package).		N/A at this stage	Originally noted, in error, required at "ISSUANCE OF SPSR". Payment will be required at Issuance of BP for Phase I.
38.	The traffic mitigation package shall reflect contributions of \$220,000.00 as described in Table 1 of the Development Covenant.	X		
39.	Any other provisions of the Development Covenant not otherwise addressed in these conditions shall also be considered conditions of this approval.		X	PERPETUAL

TABLE 1: CONDITIONS OF APPROVAL FOR 56-61 CLYDE ST ("MAXPAK") SPSR APPLICATION (PB2008-07-R-1110)**The Following Conditions of Approval Supersede the Conditions of Approval from December 18, 2008 (PB2007-08) Decision**

Changes from prior Conditions of Approval are in Bold.

PROCEDURAL				
Condition #	Condition	Compliance Evaluated By:	Timeframe for Compliance	Notes
1	Approval is for a 199-unit residential development, comprised of five building groups surrounding a courtyard and organized around new private ways. The eastern portion of the site shall be accessed via a new ramp descending from Lowell Street, and the western portion of the site shall be accessed via Warwick Street, with egress via Clyde Street. There shall be three connections from the site to the Community Path to the south. Approval is based on site plans, landscaping plans, and elevations dated November 24, 2008, and stamped into OSPCD on 12/8/08. Revised plans for the D Buildings portion of the site dated 4/7/10 and stamped into OSPCD on 4/12/10 are identified as A2.07, A2.07.1-A2.07.3, A4.05, A4.05.1, A4.05.2, C1.02, C1.03, C4, C5. Revised plans for A, B, C & E Buildings are as follows: plans dated 12/15/10 identified C-1.01, C1.02, C1.03 (updated 12/3/10), C-1.04, A-101-113, A-201-209.	ISD/ PLNG	BP/CO	
2	Consistent with the Usable Open Space Covenant and Restriction Application to Max Pak Square , the Extended Hours Usable Open Space (i.e., the ramp from Lowell Street and the street and walkway adjacent to Building A leading to the Community Path and the sidewalk along Warwick Street) shall be accessible for pedestrian and bicycle access twenty-four hours per day. In the event that use of the Extended Hours Open Space by the public between the hours of 1:00 am and 5:00 am (the hours when the MBTA is not operating) interferes with the quiet enjoyment of the Property by Max Pak Square residents, and if the City and Owner cannot resolve said problem, then the Planning Director can modify this condition if notified that the Mayor has agreed to prohibit public access between 1:00 and 5:00 am. The rest of the Usable Open Space shall be accessible for pedestrians and bicycle access between the hours of 7:00 am and 6:30 pm daily, or during Daylight Savings Time from dawn to dusk, whichever is longer. City review of restriction will be applicable prior to the issuance of Certificates of Occupancy.	Law / OSPCD	CO	
SITE DESIGN				
Condition #	Condition	Compliance Evaluated By:	Timeframe for Compliance	Notes
3	Final dimensions of utilities and transformers, and details on their manner of screening must be presented to Planning Staff in order to review for compliance with this SPSR prior to building permits.	PLNG	Prior to installation	
4	Any new signage must comply with the standards of the SZO for signs in residential districts.	PLNG/ ISD	As applicable	
BUILDING DESIGN & CONSTRUCTION				
Condition #	Condition	Compliance Evaluated By:	Timeframe for Compliance	Notes
5	Prior to application for building permits, the Applicant shall submit final plans illustrating: site plan with dimensions of buildings, setbacks, travel lanes, parking lanes, landscaped areas, and sidewalks; and a construction phasing plan.	PLNG/ ISD	BP	

TABLE 1: CONDITIONS OF APPROVAL FOR 56-61 CLYDE ST ("MAXPAK") SPSR APPLICATION (PB2008-07-R-1110)

6	<p>No building permits - other than those needed for the retaining wall along the MBTA right-of-way, ramp from Lowell Street, foundation of Building A, and related grading, drainage and utility work - will be allowed until an amendment to the Development Covenant has been executed that will revise the construction timeline and phasing in section F.3 of the existing covenant.</p> <p>The Planning Board understands that this amendment will include the following elements:</p> <p>a. Construction vehicles will use the community path and the Lowell Street entrance only. No construction vehicles will use Clyde Street or Warwick Street at any time.</p> <p>b. Employee vehicles will use the Warwick Street and Lowell Street entrances.</p> <p>c. Upon completion of the Lowell Street ramp, construction vehicles for Building A will use the Lowell Street access and construction vehicles for buildings B, C and E will use the community path.</p> <p>d. At a point 21 months after the issuance of the first building permit (whether for Buildings A, B, C or E), all vehicle access via the Community Path will end, and any remaining construction and employee vehicles will use the</p> <p><i>This condition shall not apply to the permits related to Buildings D1, D2, and D3.</i></p>	PLNG/ ISD	BP	
	Project phasing shall conform to the requirements of the Development Covenant and details shall be provided for review during SPSR. Specifically:			
	a. Phase 1 shall consist of construction of up to 65 units (with no more than 110 bedrooms) at the Warwick Street edge of the property. The Applicant (or its successors/assigns) shall use the undeveloped portion of the Community Path right of way for access and egress of construction vehicles during this Phase, subject to receipt of a license from Transit Realty Associates to do so. If this phase is not completed prior to commencement of the Community Path's construction, the Applicant (or its successors/assigns) may use other reasonable means of construction access and shall follow the instructions of the MBTA and the City regarding construction access and egress.			
	b. Phase 2 A shall consist of construction of the ramp and foundations and site work for remaining buildings. Unless otherwise directed by the City, during Phase 2 A all construction vehicles shall enter the site via Warwick Street using the Applicant's (or its successors'/ assigns') land adjacent to the Community Path and shall exit the site by making a right hand turn onto Warwick Street and a left hand turn onto Clyde Street. Access for construction shall be restricted to the ramp as soon as the ramp has been constructed to a safe, passable level. The Applicant (or its successors/assigns) shall keep current a permit for the ramp from the Massachusetts Highway Department, and shall continue to comply with the state roadway permit process to ensure that the ramp meets all state standards for sight lines and public safety and shall supply relevant information as required by the City.			

TABLE 1: CONDITIONS OF APPROVAL FOR 56-61 CLYDE ST ("MAXPAK") SPSR APPLICATION (PB2008-07-R-1110)

	e. Phase 2-B shall consist of the construction of approximately 65 residential units and associated parking. construction of Phase 2-B buildings (other than work completed as Phase 2-A) shall not begin until the ramp has been constructed to a safe, passable level, at which point vehicular traffic related to Phase 2-B shall be restricted to the Ramp.			
	d. Any additional phases shall consist of the construction of the remaining residential units, and access/egress for construction vehicles shall be solely via the ramp.			
	e. The construction schedule will be determined in a standard large project construction agreement between the City and the Developer during SPSR.			
LANDSCAPING AND OPEN SPACE				
Condition #	Condition	Compliance Evaluated By:	Timeframe for Compliance	Notes
7	No portion of any building along Warwick Street within 30 feet of abutting properties shall exceed three stories above basement level parking or forty feet in height.	ISD/ PLNG	BP/CONT	
8	No buildings along Lowell Street shall exceed four stories or fifty-six feet in height above the Lowell Street grade.	ISD/ PLNG	BP/CONT	
9	Final landscaping plan shall be reviewed with Planning Staff prior to request for CO. Specific goals of final review include screening of structured parking and transformers, mitigation of existing drainage from Lowell St to Community Path, screening of headlights from the driveway into Building A from residences to the north of the railroad track and screening of northwestern parking area from adjoining residences. More detail will be required prior to construction regarding the nature of landscape and fence screening between the proposed parking and the existing residences, including how any bamboo or similar plantings would be contained on site (e.g., "bamboozle" or similar liner).	PLNG	BP	
TRANSPORTATION & CIRCULATION				
Condition #	Condition	Compliance Evaluated By:	Timeframe for Compliance	Notes
10	The Applicant will work with Planning Staff prior to request for CO to reconsider the proposed locations of uncovered bicycle parking. Specific goals are to ensure that these are sufficiently visible to discourage theft and that they are positioned for convenient use by residents and visitors.	PLNG	Prior to landscaping installation and CO.	
11	Barrier: A permanent barrier, designed in consultation with the Fire Prevention Bureau, shall be installed and maintained, to prevent traffic flow through the site. This barrier shall be located such that parking for 65 of the units (containing no more than 110 bedrooms) will be accessed only via Warwick Street, and parking for the remaining 134 units will be accessed only via Lowell Street.	PLNG/ FP	CO	
12	Three car-share spaces shall be provided on-site as shown in the approved plans.	PLNG	CO	
13	<u>Parking Management:</u> The Applicant shall comply with the terms of the Transportation Demand Management Plan, entitled "MaxPac Square, Proposed Parking Monitoring Program", stamped into OSPCD on April 2, 2008, which prescribes standards for on-street parking, monitoring, and mitigation for up to five years subsequent to occupancy of Buildings C & D.	T&P	CONT.	This condition is continuous for up to 5 years after full occupancy of phase I.

TABLE 1: CONDITIONS OF APPROVAL FOR 56-61 CLYDE ST ("MAXPAK") SPSR APPLICATION (PB2008-07-R-1110)

STORMWATER, WATER, SEWER				
Condition #	Condition	Compliance Evaluated By:	Timeframe for Compliance	Notes
14	The Applicant (or its successors/assigns) must provide final designs demonstrating that the system is adequately designed for gravity flow or provided with pumps.	CITY ENGINEER	BP	
15	Applicant (or its successors/assigns) shall make every effort to comply with DEP requirement that states "whenever possible" a minimum horizontal distance of ten feet shall be maintained between sewer lines and water mains. Exceptions are usually only allowed when there are conflicts with existing utilities or existing structures that would prevent obtaining the proper separation.	CITY ENGINEER	BP	
16	The Applicant (or its successors/assigns) must replace the existing storm drain with ductile iron pipe and manholes on either end where building "A" would be constructed over the drain.	CITY ENGINEER/ CON. COMM.	BP	
17	Applicant (or its successors/assigns) shall comply with requirements of the NPDES General Permit for managing stormwater during construction activities and submit a copy of their stormwater management plan at the time of filing for their building permit.	CON. COMM.	BP / DURING CONSTRUCTION	
18	The project proponent must take steps to minimize storm water quality impacts from construction activities by developing and implementing a plan for erosion and sediment controls. Since there is no stream or brook in the vicinity of the site, this plan should focus on preventing storm water run-off from eroding soils disturbed and running into catch basins and drainage swales.	CON. COMM.	DURING CONSTRUCTION	
LINKAGE & AFFORDABLE HOUSING				
Condition #	Condition	Compliance Evaluated By:	Timeframe for Compliance	Notes
19	The development will be subject to the 12.5% inclusionary housing requirements of Article 13. An affordable Housing Restriction shall be executed prior to the issuance of Certificates of Occupancy for the designated affordable units.	HOUSING	CO	
EMERGENCY SERVICES				
Condition #	Condition	Compliance Evaluated By:	Timeframe for Compliance	Notes
20	Applicant is encouraged to sprinkle the buildings in Cluster "D" although code does not require it for all buildings.	N/A	N/A	
21	Fire Department Access: During SPSR review, the Applicant (or its successors/assigns) shall provide more detailed information on the following items for review and approval by Fire Prevention:	FP/ PLNG	BP	
	a. Ramp design must be sufficient to support fire trucks.	FP/ PLNG	BP	
	b. Clearance under Building "A" must be sufficient to allow passage of fire trucks.	FP/ PLNG	BP	
	c. Design of barrier and Opticom technology must be reviewed.	FP/ PLNG	BP	
	d. Access to Buildings "D" and storage buildings must be reviewed; if access is insufficient, sprinklers will be required.	FP/ PLNG	BP	
	e. Curb design must allow fire trucks to turn around or mount the curbs.	FP/ PLNG	BP	
	f. 18-foot wide fire access must be provided.	FP/ PLNG	BP	
22	OSPCD staff will coordinate with Fire Prevention and the Applicant on the final specifications of the traffic barrier, which must provide immediate access to emergency responders but should also accommodate passage through the site by cyclists and other non-auto users.	FP/ PLNG	CO	

TABLE 1: CONDITIONS OF APPROVAL FOR 56-61 CLYDE ST ("MAXPAK") SPSR APPLICATION (PB2008-07-R-1110)

ENVIRONMENTAL				
Condition #	Condition	Compliance Evaluated By:	Timeframe for Compliance	Notes
23	The Applicant (or its successors/assigns) shall develop a demolition plan in consultation with the City of Somerville Inspectional Services Department. Full compliance with proper demolition procedures shall be required, including timely advance notification to abutters of demolition date and timing, good animal control measures, minimization of dust, noise, odor, and debris outfall, and sensitivity to existing landscaping on adjacent sites.	ISD	PRIOR TO DEMOLITION PERMIT	
24	The Applicant (or its successors/assigns) will provide notice of intent to comply, to the maximum extent feasible, strategies during demolition and construction to mitigate dust and control air quality, to minimize noise and to implement a waste recycling program for the removed debris.	ISD/ OSE/ CON COM	DURING DEMO & CONSTRUCTION	
25	Notification must be made, within the time period required under applicable regulations, to the Massachusetts Department of Environmental Protection (DEP) if there is any reportable release of oil, hazardous materials, or regulated hazardous substances at the site. The City's OSE office and the Board of Health shall also be notified.	ISD/ OSE/ BOH	DURING DEMO & CONSTRUCTION	
26	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.	ISD/ T&P	DURING CONSTRUCTION	
27	The Applicant (or its successors/assigns) 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 of concrete.	DPW / T&P	CO	
28	The developer shall report to the City's Office of Sustainability & Environment on what energy efficiency and water saving measures would be part of the construction.	OSE	CO	

TABLE 1: CONDITIONS OF APPROVAL FOR 56-61 CLYDE ST ("MAXPAK") SPSR APPLICATION (PB2008-07-R-1110)

OTHER COMMITMENTS				
29	The following items from the Memorandum of Agreement between the Somerville Historic Preservation Commission and 61 Clyde Street Acquisition, LLC, must be satisfied as conditions of this approval.	HPC/ PLNG	CO	
	a. A revised Form B shall be submitted to the SHPC and to the MHC reflecting additional research findings on the property.			
	b. Photographic documentation shall be conducted and submitted as provided in the MOA.			
	c. An interpretive exhibit shall be displayed in a public location on the Project site as provided in the MOA.			
	d. An oral history shall be compiled as provided in the MOA.			
30	<u>Maintenance:</u> The Applicant (or its successors/assigns) shall be responsible for maintenance of both the building and all on-site amenities, including landscaping, publicly accessible open space, fencing, lighting, parking areas and storm water systems, ensuring they are clean, well kept and in good and safe working order; and shall also be responsible for snowplowing and street cleaning. The Applicant (or its successors/assigns) shall be responsible for all design, construction, maintenance and repair of all roadways, streetscape including street lighting and other street furnishings, and parks and open space which are part of the PUD. Applicant (or its successors/assigns) shall be responsible for the design and construction of water, sewer, and storm drainage systems serving the PUD. Applicant (or its successors/assigns) shall be responsible for the usage costs of electricity, gas, water, cable and other utilities furnished to the PUD, and for trash removal. All utilities shall be designed and installed in accordance with the City of Somerville's standards and specifications.		CONT.	Perpetual: shall begin once the project is completed.
31	Upon issuance of an SPSR for Phase 1, funds for community benefits and/or amenities as agreed to in the Covenant.	PLNG/ LAW	SPSR, end of appeal period	
32	The Applicant shall also provide:			
	a. Landscape improvements on property adjoining the Community Path;	PLNG	CO	
	b. Landscape screening buffer adjacent to buildings along the Commuter Rail right-of-way;	PLNG	CO	
	c. Public sidewalk complying with all applicable standards along Warwick Street (parallel parking in this area will remain part of the private development);	PLNG	CO	
	d. Removal of rails and ties from Community Path right-of-way in the area used for construction access, if so used; Applicant shall be responsible for disposal of the ties, while the MBTA will assume responsibility for disposal of the rails; and	PLNG/ DPW	BP if applicable	
	e. Funds for the raised crossing at the corner of Cedar Street and the Community Path (as part of the traffic mitigation package).	PLNG/ LAW	Phase 2 BP First CO	Erroneously listed in PMP approval as due at SPSR. This was an error, and inconsistent with the Covenant.
33	The traffic mitigation package shall reflect contributions of \$220,000.00 as described in Table 1 of the Development Covenant, which shall be payable according to the terms of the Covenant.	PLNG/ LAW	Payable according to Development Covenant	This section is intended to clarify the final amount of the Transportation Mitigation Program following a misunderstanding by some parties of the agreed-upon amounts.
34	Any other provisions of the Development Covenant not otherwise addressed in these conditions shall also be considered conditions of this approval.		CONT.	
35	The Building "D" townhouse development basement space shall not be used as bedrooms or sleeping space. Condominium documents shall restrict the use of the basement areas to non-sleeping/non-bedroom space. A copy of the condominium documents shall be submitted to Planning Staff for review prior to any CO being issued for the building(s).	ISD/PLNG	CO	
36	The applicant shall provide contact information for a 24-hour complaint line for people to call to address issues about impacts that may arise during construction.	ISD/PLNG	DURING DEMO & CONSTRUCTION	

TABLE 1: CONDITIONS OF APPROVAL FOR 56-61 CLYDE ST ("MAXPAK") SPSR APPLICATION (PB2008-07-R-1110)

37	The applicant will be required to meet with Planning, ISD and other applicable DPW staff on a weekly basis, unless canceled by staff, to ensure that any issues that arise are addressed in a timely fashion.	ISD/PLNG	DURING DEMO & CONSTRUCTION	
38	No exterior construction work and no construction work that creates any noise outside of the structures shall begin prior to 9am on Saturdays.	ISD	DURING DEMO & CONSTRUCTION	
39	Applicant shall be allowed to add additional front stoops and adjust grading in areas where front door and front stoops may still be possible under MAAB regulations, and if regulations change before construction of these elements are complete, shall return the stoops to the development as located on the original plan.	PLNG	BP	
40	Metal siding may be replaced with cementitious siding, where marked on the plans, after notification to the Planning Staff.	PLNG	BP	
41	The Developer shall work with Planning Staff to identify additional pedestrian & traffic safety measures that can be installed at the Lowell St entrance to the site.	PLNG	CO	