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PLANNING BOARD DECISION

Case #:	PB2008-01
Site:	56-61 Clyde Street –“MaxPak” site
Applicant Name:	KSS Realty Partners
Applicant Address:	20 Park Plaza, Suite 467, Boston, MA 02116
Property Owner Name:	56 Clyde Street Acquisition LLC/61 Clyde Street Acquisition LLC
Property Owner Address:	20 Park Plaza, Suite 467, Boston, MA 02116

Legal Notice: The applicant seeks approval of a preliminary master plan (S.Z.O. §16.8.1) for a Planned Unit Development-B1 (PUD-B1) project to construct a residential development on five parcels of land (Map 33, Block A, Lots 24-28). The residential development is proposed to contain 199 units in five buildings and is subject to inclusionary housing requirements (S.Z.O. §13.2).

The applicant is requesting additional zoning relief for number of parking spaces (SZO §9.5.1.a), parking space dimensions (SZO §9.11.a), and side yard setbacks (SZO §16.5.1.g).

<u>Zoning District/Ward:</u>	Residence B (RB); Planned Unit Development-B (PUD-B) Overlay / 5
<u>Zoning Approval Sought:</u>	§16.8.1, with waivers and other relief
<u>Date of Application:</u>	2/19/08
<u>Date(s) of Public Hearing:</u>	3/6/08, record kept open until 3/18/08 at noon
<u>Date of Decision:</u>	April 3, 2008
<u>Vote:</u>	4-0 (with Kevin Prior absent)

The Somerville Planning Board (the “Board”) held a duly advertised public hearing and accepted oral and written testimony on March 6, 2008, and kept the record open for written testimony until noon on March 18, 2008. Based upon the materials submitted by the Applicant, oral and written testimony, and the findings and recommendations of City Staff, the Board voted (4-0, with Kevin Prior absent) on April 3, 2008, to **CONDITIONALLY APPROVE** the above-referenced Planned Unit Development-Preliminary Master Plan (PMP).

I. FINDINGS FOR PRELIMINARY MASTER PLAN

In considering the requested PUD Preliminary Master Plan (PMP) review the Board must consider and make findings on the proposal's conformity to PUD standards. Findings must be made for General Requirements and Features of a PUD (SZO §16.4); requirements for a Special Permit with Site Plan Review (SPSR, SZO §5.2.5); and PUD Design Guidelines (SZO §16.7).

The Planning Board finds that the standards of the SZO for a PUD have been met in the proposed PMP. Detailed findings are in the Appendix to this Decision. Recognizing that certain details must be finalized during subsequent SPSRs, the Board finds the proposed PMP to be exemplary of PUD design and functional standards. The design represents a creative and context-sensitive response to an unusually challenging site. The waivers requested are minimal and essential to the site's creation of successful usable open space, a traditional neighborhood organization, and transit-oriented design.

A. General Requirements and Features of a PUD (SZO §16.4)

The Planning Board finds that the PMP meets the requirements of SZO 16.4 regarding general requirements and features of a PUD. Detailed findings are contained in Table 1 in the Appendix to this Decision.

B. Requirements for SPSR (SZO §5.2.5)

While not all standards of Special Permit with Site Plan Review (SPSR) are applicable during the Preliminary Master Plan review, the Planning Board finds that the PMP would meet the applicable requirements. Detailed findings are contained in Table 2 in the Appendix to this Decision.

C. PUD Design Guidelines (SZO §16.7)

The Planning Board finds that the PMP meets or exceeds the standards set forth in the PUD design guidelines. Detailed findings are contained in Table 3 in the Appendix to this Decision.

C. Additional Findings for Waivers/Other Relief from Standards

Under SZO §16.5.4, in order to maximize flexibility in the application of design standards to PUD projects, the SPGA may waive strict compliance with the standards of Section 16.5 upon making a determination that: (a) such a waiver would result in a better site plan than strict compliance with the stated standards; (b) the proposed PUD design furthers the Purpose and PUD Design Guidelines of this section; and (c) the granting of such a waiver will not cause detriment to the surrounding neighborhood.

1. Waiver of Dimensional Requirements

The proposal would meet most of the dimensional requirements set forth in §16.5.1 of the SZO, with the exception of the setback from the PUD boundary.

The site's physical constraints severely limit the ability to fully comply with all standards. The extent of relief is minimal, as corners on this oddly angled site encroach on the setbacks in a few places, but not entire residential structures; in addition smaller storage structures would be located within these setback areas.

When considered within the context of the sensitively designed building massing and design, as well as the public benefits of improved pedestrian and cycling networks and the large public open space, the reduced setbacks along the Commuter Rail and Community Path are appropriate. Due to their orientation, there will be minimal visual, shadow, or other impacts on residential properties outside the development as a result of the reduced setbacks.

2. Relief from Quantity of Parking

The applicant is seeking relief to permit a ratio of one parking space per dwelling unit.

The exact number of parking spaces that would be required under the SZO cannot be known at this stage, without knowing the number of bedrooms per unit. Since the proposal is for predominantly one- and two-bedroom units, it is reasonable to predict that the overall site would average out to a 1.5 space per unit requirement. This is the citywide requirement, and most properties are nonconforming in this regard.

Precedent exists in many communities for providing one parking space per dwelling. This site's immediate proximity to both a future rapid transit station and a planned extension of the Community Path makes it analogous to other developments that have incorporated transit-oriented development parking reductions. The City's Design Review Committee has stated in their findings that they would not support any reduction in the proposed open space in order to provide additional parking. The City's Traffic Engineer has reviewed statistics from similar developments and recommended mitigation in order to permit this ratio.

The Planning Board supports a waiver to allow a parking ratio of one space per dwelling, for the purposes of this Preliminary Master Plan approval. However, as previously noted, the SZO is unclear about what relief is required in order to alter parking and certain other standards within PUDs. Planning staff have submitted an amendment to the SZO that would clarify this question, and relief from parking standards will not be granted in the context of an SPSR until the appropriate relief mechanism has been clearly ordained in the SZO. Should relief be by a means other than a waiver under SZO §16.5, appropriate findings shall be made during SPSR review to support the one space per dwelling ratio.

3. Relief from Dimensions of Parking Stalls

Regarding the proposed dimensions of the parking spaces, the City's Traffic Engineer has determined that "relief sought from the required parking space dimensions is minor in nature" and that he has "no objections and supports the request to alter the parking space dimension requirements."

The Planning Board finds that the proposed reduced setbacks, reduced parallel parking dimensions, and parking ratio of one space per dwelling (plus guest parking) are essential to the creation of this successful new neighborhood. The Board further finds that granting waivers for these provisions (a) would result in a better site plan than strict compliance with the stated standards; (b) would further the Purpose and PUD Design Guidelines of Article 16 of the SZO; and (c) would **not** cause detriment to the surrounding neighborhood.

II. DECISION

Based on the materials submitted by the Applicant, site visits, and the above findings, the Planning Board finds that the Preliminary Master Plan meets the goals of the City for this site, the purposes of the district, and the provisions and purposes of the Ordinance. Therefore, the Board grants **CONDITIONAL APPROVAL** of the requested Preliminary Master Plan and associated Waivers for setbacks. Furthermore the Board has made findings in support of waivers to modify parking dimensions and parking ratio; and expresses support for such waivers or other appropriate relief, which shall be established prior to SPSR and findings made during SPSR.

This approval is based upon the Preliminary Master Plan Application stamped in at the City Clerk's Office on February 19, 2008. Approval constitutes an approval of the Preliminary Master Plan, but shall NOT constitute approval of final site or building design details, which shall be reviewed in subsequent Special Permits with Site Plan Review (SPSR) for individual phases of the development.

However, to mitigate any potential negative impacts and to provide the best project possible, the Board has attached the following **CONDITIONS** to approval of the PMP.

#	Condition	Timeframe for Compliance	Verified (initial)	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.	BP/CO	ISD/PLNG	
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.	SPSR	PLNG	
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.	CO/ PERPETUAL	PLNG/ LAW/ ISD	

<u>Building Design</u>				
4.	Buildings shall be designed in accordance with the Memorandum of Agreement between the developer and the Somerville Historic Preservation Commission, dated January 17, 2008.	SPSR	PLNG/HPC	
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.	BP/CO	ISD/PLNG	
6.	No buildings along Lowell Street shall exceed four stories or fifty-six feet in height above the Lowell Street grade.	BP/CO	ISD/PLNG	
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.	SPSR	PLNG	
8.	During SPSR, the Applicant (or its successors/assigns) shall submit a LEED checklist for the project.	SPSR	PLNG	
<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, and mitigation for up to five years subsequent to occupancy of Buildings C & D.	UP TO 5 YEARS AFTER FULL OCCUPANCY OF PHASE I	T&P	
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.	C/O	FP/PLNG	

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.	SPSR	T&P/ BIKE COORD'R	
<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.	SPSR	CITY ENGINEER	
<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.	SPSR	CITY ENGINEER	
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.	SPSR	CITY ENGINEER	
<u>Stormwater Management System</u>				
15.	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.	SPSR	CITY ENGINEER	
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.	SPSR	CITY ENGINEER	
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.	SPSR	CITY ENGINEER	

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.	BP	CITY ENGINEER	
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.	BP	CITY ENGINEER/ CON. COMM.	
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.	BP	CITY ENGINEER/ CON. COMM.	
<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:	SPSR	PLNG	
	a. Updated dimensional table.			
	b. Consistent dimensions between all plans and between elevations, sections, and plans.			
	c. Site plan with dimensions of buildings, setbacks, travel lanes, parking lanes, landscaped areas, and sidewalks.			
	d. Construction phasing plan.			
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:	SPSR	FP	
	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.	Maintenance: 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.	PERPETUAL	ISD	
	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.	BP/CO	ISD/PLNG	
25.	Applicant (or its successors/assigns) shall submit detailed landscaping and open space plans demonstrating conformance to SZO requirements. 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.	SPSR	PLNG	
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 escalade from the easterly side of the site to the Path.	CO	ISD/PLNG	
<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.	SPSR/CO	HSG/PLNG	
<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.	PRIOR TO DEMOLITION	ISD/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 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.	CO	DPW/T&P	
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.	BP	T&P	
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.	DEMOL'N & CONSTR'N	ISD/OSE	
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.	DEMOL'N	ISD	
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:	DEMOL'N & CONSTR'N	ISD/OSE	
	a. a copy of the Response Action Outcome (RAO) Statement, signed by a Licensed Site Professional (LSP) and filed with DEP, verifying that a level of no significant risk for the proposed residential use has been achieved at the site; or			
	b. if remediation has not reached the RAO stage, a statement signed by an LSP describing (i) the management of oil and hazardous materials/waste at the site, including release abatement measures			

	intended to achieve a level of no significant risk for residential use at the site, treatment and storage on site, transportation off-site, and disposal at authorized facilities, (ii) a plan for protecting the health and safety of workers at the site, and (iii) a plan for monitoring air quality in the immediate neighborhood.			
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.	DEMOL'N & CONSTR'N	HEALTH/ OSE	
35.	Project phasing shall conform to the requirements of the Development Covenant and details shall be provided for review during SPSR. Specifically:	SPSR/BP	PLNG/ISD	
	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.			
	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.			
	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.	ISSUANCE OF SPSR	PLNG/ FINANCE/ LAW	
37.	The Applicant shall also provide:			
	a. Landscape improvements on property adjoining the Community Path;	CO	PLNG	
	b. Landscape screening buffer adjacent to buildings along the Commuter Rail right-of-way;	CO	PLNG	
	c. Public sidewalk complying with all applicable standards along Warwick Street (parallel parking in this area will remain part of the private development);	CO	DPW	
	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	BP PHASE II		
	e. Funds for the raised crossing at the corner of Cedar Street and the Community Path (as part of the traffic mitigation package).	ISSUANCE OF SPSR	PLNG/ FINANCE/ LAW	
38.	The traffic mitigation package shall reflect contributions of \$220,000.00 as described in Table 1 of the Development Covenant.	ISSUANCE OF SPSR	PLNG/ FINANCE/ LAW	
39.	Any other provisions of the Development Covenant not otherwise addressed in these conditions shall also be considered conditions of this approval.	PERPETUAL	PLNG/ LAW	

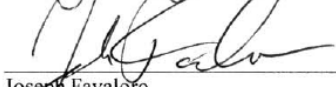
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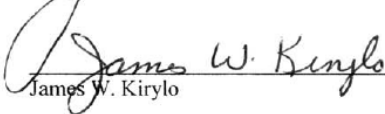
Linda Bohan



Elizabeth Moroney



Joseph Favaloro



James W. Kirylo

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
Planning Board 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, 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

_____ there have been no appeals filed in the Office of the City Clerk, or
_____ there has been an appeal filed.

Signed _____ City Clerk Date _____

**Appendix to Decision
Planning Board Findings for PUD-PMP
56-61 Clyde Street (MaxPak site)**

The following checklist identifies criteria of the Somerville Zoning Ordinance for granting a Planned Unit Development (PUD).

TABLE 1			
A. General Requirements and Features of a PUD (SZO §16.4)			
The SPGA shall review and find that the following requirements and features of a PUD are satisfied in the proposed development. The permitted PUD shall clearly demonstrate that it is:	<i>Met</i>	<i>Not Met</i>	<i>Finding</i>
a. a designated tract of land meeting the minimum lot size requirements of Section 16.5.1.a for the PUD district;	X		At 236,900 square feet, the site meets the minimum lot size requirements for the PUD-B1 district, which requires a minimum of 75,000 square feet.
b. developed in a comprehensive, design-integrated manner, according to an overall master plan, with two (2) or more types of use;	X		<p>The proposal is thoughtful and well-designed, achieving the objective of creating a new neighborhood that connects and relates to surrounding existing neighborhoods. The building scale, site and street organization, parking layout, open space provision, and provision of multiple connections to the planned extension of the Community Path are sensitive to the site's irregular shape and sloping topography, as well as its adjacency to several small-scale neighborhoods.</p> <p>Under §16.5.3, a residential use in a PUD-B1 that is only allowed under the auspices of a PUD may exceed the maximum use-intensity provisions without requiring a waiver. The use proposed for the site is consistent with the underlying Residence B zoning (residential) but would allow more units. Its division into nine buildings of five different types encompasses three categories of residential use recognized in the Table of Permitted Uses: three-family dwellings, townhouses, and multi-family housing of seven units or more. Commercial uses are not proposed, reflective of abutter concerns as well as challenges for potential loading and servicing on this oddly shaped, limited access site. In addition, significant land area is dedicated to publicly usable open space, an acceptable use under MGL Ch. 40A.</p>
c. consistent with the objectives of this Ordinance;	X		The PMP is consistent with the objectives of the SZO, including to lessen congestion in the streets; to provide adequate light and air; to conserve the value of land and buildings; to adequately protect the natural environment; to encourage the most appropriate use of land throughout the City; to encourage housing for persons of all income levels; and to preserve and increase the amenities of the municipality.

**Appendix to Decision
Planning Board Findings for PUD-PMP
56-61 Clyde Street (MaxPak site)**

TABLE 1			
A. General Requirements and Features of a PUD (SZO §16.4)			
The SPGA shall review and find that the following requirements and features of a PUD are satisfied in the proposed development. The permitted PUD shall clearly demonstrate that it is:	<i>Met</i>	<i>Not Met</i>	<i>Finding</i>
d. consistent with the goals, objectives and plans of the City for the general subject area;			The PMP is consistent with the goals, objectives and plans for the general subject area, including the planned extension of the Community Path adjacent to the site and the extension of the MBTA Green Line also adjacent to the site. The development epitomizes Transit-Oriented Development, with emphasis on walking and cycling connections and proximity to a planned rapid transit station. It is also a model of Traditional Neighborhood Design with its reconnection of sidewalks and street grids (although modified, as required by the Development Covenant, to prohibit through-traffic by autos), and its orientation of higher-density dwellings around a public common area.
e. developed so as to locate or cluster development sites, especially buildings, in a manner that provides usable open space, preserves natural or historic features, and preserves views of such features to the maximum extent possible;	X		The development concentrates the unit density toward the low center of the site, where its visual and height impacts would be less perceptible to lower-density surrounding neighborhoods. Thoughtfully situated, 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.
f. an efficient use of land which properly considers topography and protects significant natural features including, but not limited to, waterways, wetlands, floodplains and wildlife;	X		The construction of a ramp down into the site and multiple escalades further 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), with most surface parking parallel to the roads—will allow significant reductions in impervious coverage as compared both to existing conditions and to traditional lower-density development with individual driveways.

**Appendix to Decision
Planning Board Findings for PUD-PMP
56-61 Clyde Street (MaxPak site)**

TABLE 1			
A. General Requirements and Features of a PUD (SZO §16.4)			
The SPGA shall review and find that the following requirements and features of a PUD are satisfied in the proposed development. The permitted PUD shall clearly demonstrate that it is:	<i>Met</i>	<i>Not Met</i>	<i>Finding</i>
g. an efficient use of land demonstrating full coordination of its own site development including, but not limited to, the land uses and functions contemplated, architecture, open space and pedestrian networks, vehicular access and circulation, and all other infrastructure;	X		<p>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 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>

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TABLE 1			
A. General Requirements and Features of a PUD (SZO §16.4)			
The SPGA shall review and find that the following requirements and features of a PUD are satisfied in the proposed development. The permitted PUD shall clearly demonstrate that it is:	<i>Met</i>	<i>Not Met</i>	<i>Finding</i>
h. linked and coordinated with surrounding land uses, off-site public facilities, infrastructure and roadway access where appropriate, in a manner that is safe, efficient and non-injurious to the public, and an improvement or benefit to the public where possible;	X		The ramp from Lowell Street and the connection to Warwick and Clyde Streets provide desirable street connections, and the site has been designed in response to extensive community participation and traffic studies in order to mitigate traffic concerns for surrounding areas. Furthermore, the design of the development will attract and encourage non-auto forms of transportation, more than would a development of individual homes with limited access to the Community Path and potentially no access to Lowell Street and the future transit station. Finally, the Development Covenant has specified traffic mitigation for six off-site locations, which would be funded by a \$220,000 contribution by the Applicant; an additional \$20,000 would be contributed for Ward 5 community benefits, and \$30,000 for general community benefits.
i. designed with sizing of street and other infrastructure systems to accommodate the overall service demand of the PUD;	X		The street design reflects Traditional Neighborhood Design principles, including the connection of local neighborhood streets and sidewalks, connections to other networks (most notably three connections to the Community Path). This has been accomplished with the use of narrower streets with on-street parallel parking, minimal use of surface parking lots, curb bump-outs at intersections, and a ramp leading down to the site from Lowell Street. While street widths are narrower and curb radii are narrower, the site has been designed to allow access by fire emergency vehicles. To prevent automobile cut-through traffic, a permanent barrier would be installed in the western third of the site; this would feature an Opticom signal that would allow Fire Department access in an emergency.
j. inclusive of provisions for the ownership and maintenance of usable open space as appropriate (SZO §16.6);	X		The Applicant (or its successors/assigns) would be responsible for the continued maintenance of all open space areas, as recommended in the Conditions of approval. Recommended conditions, consistent with the Development Covenant, would also require extended hours during which the open space would be publicly accessible.
k. inclusive of appropriate deed restrictions or covenants requiring compliance of all development with the PUD master plan, and any architectural or other guidelines or standards;	X		City review of deed restrictions will be applicable prior to the issuance of Certificates of Occupancy.

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TABLE 1			
A. General Requirements and Features of a PUD (SZO §16.4)			
The SPGA shall review and find that the following requirements and features of a PUD are satisfied in the proposed development. The permitted PUD shall clearly demonstrate that it is:	<i>Met</i>	<i>Not Met</i>	<i>Finding</i>
1. when inclusive of a proposed use allowable under this Ordinance only within a PUD setting, that said use is integrated into the proposed development in terms of function and service to other users of the PUD site and/or to the immediately surrounding area.	X		The site is similar in scale where it faces and adjoins existing neighborhoods. Its street layout extends from existing streets, creating a relationship to surrounding neighborhoods in scale and organization.

The following checklist outlines standards for Special Permit with Site Plan Review (SPSR). This review applies to final level approval of a phase of a PUD, and some aspects will not apply in the Preliminary Master Plan (PMP) review. Nevertheless, these should be considered during PMP review in order to identify potential issues prior to SPSR submission.

TABLE 2			
B. Requirements for SPSR (SZO §5.2.5)			
<i>Requirement</i>	<i>Met</i>	<i>Not Met</i>	<i>Finding</i>
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		SPSR has not been requested at this stage. Nevertheless, the proposal complies with all standards except three, for which waivers (or other relief) are sought. These waivers are necessary to the success of a well-designed plan featuring numerous site improvements and amenities that will benefit non-residents of the site.
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 PMP 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	X		As previously described, the site will improve in this regard. More detail (particularly surrounding building design) will be required and reviewed during

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TABLE 2			
B. Requirements for SPSR (SZO §5.2.5)			
<i>Requirement</i>	<i>Met</i>	<i>Not Met</i>	<i>Finding</i>
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;			SPSR final level approval of the PUD.
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. More detail (particularly surrounding building design) will be required and reviewed during SPSR final level approval of the PUD.
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. More detail will be required and reviewed during SPSR final level approval of the PUD.
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. More detail will be required and reviewed during SPSR final level approval of the PUD.
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 general purposes of the SZO and the purposes of PUDs.

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TABLE 2			
B. Requirements for SPSR (SZO §5.2.5)			
<i>Requirement</i>	<i>Met</i>	<i>Not Met</i>	<i>Finding</i>
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;	X		As previously described, the development is sensitive to the site's topography and will result in significant new open space. See responses to <i>Section A, items e, f, and g</i> , above.
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;	X		As previously described, the development is sensitive to the site's natural and built environment. See responses to <i>Section A, items e, f, g, and h</i> , above.

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TABLE 2			
B. Requirements for SPSR (SZO §5.2.5)			
<i>Requirement</i>	<i>Met</i>	<i>Not Met</i>	<i>Finding</i>
<p>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. More detail will be required and reviewed during SPSR final level approval of the PUD.</p>

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TABLE 2			
B. Requirements for SPSR (SZO §5.2.5)			
Requirement	Met	Not Met	Finding
11. 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;	X		The site is the subject of a Memorandum of Agreement (MOA) between the Developer and the City's Historic Preservation Commission. More detail on building design will be required during SPSR final level approval of the PUD, and fidelity to this MOA will be assessed.
12. 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.
13. 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		More information will be required during SPSR.
14. 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 via Opticom systems to the site. Curbs will be mountable by larger emergency vehicles.
15. Location of access. The location of intersections of access drives with the City arterial or	X		The access drives align appropriately with Lowell, Clyde and Warwick Streets and have been designed in accordance with traffic studies to mitigate

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TABLE 2			
B. Requirements for SPSR (SZO §5.2.5)			
<i>Requirement</i>	<i>Met</i>	<i>Not Met</i>	<i>Finding</i>
collector streets minimizes traffic congestion;			neighborhood concerns about cut-through traffic and division of trips generated by the site itself.
16. Utility service. Electric, telephone, cable TV and other such lines and equipment are placed underground from the source or connection, or are effectively screened from public view;	X		Utilities will be placed underground. More information on screening will also be required during SPSR.
17. 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 will be performed as required by the Development Covenant. 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.
18. 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		More information on residential signage will be required during SPSR.
19. 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		More information will be required during SPSR.
20. 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		More information will be required during SPSR.

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

TABLE 3			
C. PUD Design Guidelines (SZO §16.7)			
<i>Guideline</i>	<i>Met</i>	<i>Not Met</i>	<i>Finding</i>
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 PMP 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.
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. More detail will be required during the SPSR; however, this is a notable success in the project’s design.
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 impactful to surrounding areas. Where the buildings adjoin or face residential property, they will not exceed the base height district. More detail will be provided during the SPSR.
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	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. More detail will be required regarding landscaping in the SPSR.

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TABLE 3			
C. PUD Design Guidelines (SZO §16.7)			
<i>Guideline</i>	<i>Met</i>	<i>Not Met</i>	<i>Finding</i>
open space;			
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.
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.

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TABLE 3			
C. PUD Design Guidelines (SZO §16.7)			
<i>Guideline</i>	<i>Met</i>	<i>Not Met</i>	<i>Finding</i>
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		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.
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; therefore no access or facilities are proposed on the PMP site.
12. Make shopping centers and business parks into all-purpose activity centers.	N/A		Not Applicable.