



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

STAFF

MADELEINE MASTERS, *PLANNING DIRECTOR*
CHRISTOPHER DI IORIO, *SENIOR PLANNER*
LORI MASSA, *PLANNER*
DAWN PEREIRA, *ADMINISTRATIVE ASSISTANT*
FREDERICK J. LUND, *SENIOR DRAFTSMAN*

Case #: PB 2008-07
Date: December 16, 2008
Recommendation: Conditional Approval

PLANNING STAFF REPORT

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
Agent Name: KSS Realty Partners
Alderman: Sean T. O'Donovan

Legal Notice: The Applicant, 56 Clyde St Acquisition, LLC, and 61 Clyde St Acquisition, LLC, seek a Special Permit with Site Plan Review final level approval of a planned unit development under the Planned Unit Development Preliminary Master Plan approved by the Planning Board on April 3, 2008.

Waivers from the Somerville Zoning Ordinance will be sought under §16.5.5 from the requirements of §9.5.1.a (number of parking spaces) and §9.11.a (dimensions of parking spaces). Waivers have already been granted under §16.5.4 for 16.5.1.g (setbacks).

The Applicant is separately seeking a special permit from the Zoning Board of Appeals under §9.13.c for a shared driveway located outside the PUD boundary. RB and Planned Unit Development Overlay District – B1 (PUD-B1).

Zoning District/Ward: Residence B (RB); Planned Unit Development-B (PUD-B) Overlay / 5

Zoning Approval Sought: Planned Unit Development-SPSR under SZO §16.8

Date of Application: November 4, 2008

Date(s) of Public Hearing: Planning Board: December 18, 2008

Date of Decision: N/A

Vote: N/A

I. PERMITTING & REVIEW PROCESS

A. Review Requirements under the Somerville Zoning Ordinance

As set forth in §16.8 of the Somerville Zoning Ordinance (SZO), “Application for PUD is a type of special permit with site plan review [SPSR], requiring two stages of review. A PUD applicant shall first file a preliminary master plan demonstrating a comprehensive land use plan for the entire PUD tract. Upon approval of this plan, the applicant may then submit special permit with site plan review applications for definitive plans of each portion or phase of development of the PUD tract [“Final Level Approval of a PUD”].”

This application is for final level approval of a Planned Unit Development at 56-61 Clyde Street, commonly known as the “MaxPak” site. The Applicant is seeking SPSR approval for a 199-unit residential development surrounding a publicly accessible green space. The site would feature newly created access to Lowell Street and the Community Path, as well as new connections for non-automobile traffic between the “Patch” neighborhood of Clyde, Warwick, and Murdock Streets with Lowell Street.

During the course of Preliminary Master Plan (PMP) review, the Planning Board made findings for, and granted, a waiver of dimensional requirements in order to permit reduced setbacks in certain areas. As part of the SPSR approval, the Applicant is seeking waivers from standards for the number of required parking spaces and parking space dimensions. Since the Preliminary Master Plan approval, an amendment to SZO §16.3 that designates the Planning Board the SPGA for all zoning relief in PUDs has been adopted by the Board of Alderman. The Board has already made findings for the requested relief, and may now formally grant it.

The Applicant is separately seeking a special permit from the Zoning Board of Appeals under §9.13.c for a shared driveway located outside the PUD boundary.

B. Background

The site has been the subject of an extensive community process, which culminated in a signed “Development Covenant” between the City and the developer; this also incorporated a “Memorandum of Agreement between Somerville Historic Preservation Commission and Clyde Street Acquisition, LLC”. The site was rezoned as a PUD-B1 Overlay District in 2007. During the PMP review of this proposal in April 2008, conformance with these documents, as well as the standards of the SZO for PUDs, was reviewed, and specific requirements were reflected in conditions of the PMP approval and will also be reflected in the conditions of any SPSR approval.

In preparation for the public hearing at the Planning Board, the Applicant has appeared before the Design Review Committee (DRC), Historic Preservation Commission (HPC), and community members in a neighborhood meeting. Feedback from the DRC meetings has been incorporated into the current design proposal, which has been commended in subsequent reviews by community members and the HPC.

C. Organization of Reports

The following sections provide:

- Description of the property;
- Description of the proposal;
- Findings required under the Somerville Zoning Ordinance and the PMP approval; and
- Recommendation for Board vote, including recommended conditions of SPSR approval.

II. DESCRIPTION OF PROPERTY

Site

The subject property is trapezoidal in shape, bounded by Warwick Street and several residential properties to the northwest, the planned Somerville Community Path to the southwest (an inactive rail spur), Lowell Street to the southeast and the Lowell Branch commuter rail tracks to the northeast. The overall site is comprised of five separate parcels, which will contain approximately 236,900 square feet¹.

The site has hosted a number of industrial uses over the years. It now contains three vacant buildings including a warehouse and former school in derelict condition. The Property has lain vacant for several years and has been described as an "attractive nuisance" that may attract illicit behavior or pose a danger to children who may enter the site for play. The site is poorly landscaped and includes large areas of broken pavement. Until recently the property was classified as a brownfield site; 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.

The site features a number of grade changes, sloping downward from Lowell Street toward the Northwest, and also downward toward the Community Path and Commuter Rail rights-of-way.

Surrounding Area

The site is surrounded by a number of residential neighborhoods featuring a mixture of types but typified by small-scale, predominantly 2 ½ story wood frame, two- or three-family structures. To the west is the neighborhood commonly known as "The Patch", which features narrow one-way streets. Preservation of the character of this neighborhood was a driving force in the development of the Covenant. The rights-of-way of the Commuter Rail to the north and the Community Path to the south converge to the southeast of the site, facing it across Lowell Street. The four-story, approximately 100-unit VNA supportive housing community is southeast of the site, south of both rights-of-way. Other nearby residential neighborhoods lie on the opposite sides of the rail bed and the Community Path. The surrounding area also includes a mix of smaller masonry commercial structures.

Due to the proximity of active and inactive rail lines, many surrounding neighborhoods are cut off from the site and one another. Currently, access is only directly available via Warwick Street and egress via Clyde Street; both of these streets are on the northwest side, and lead to Cedar Street.

III. DESCRIPTION OF PROPOSAL

Overall

The Applicant is proposing to construct a residential development consisting of 199 residential units, with a mix of sizes and styles, but predominantly featuring one- and two-bedroom units. The units would be located in five separate building areas surrounding a central public green space. Four of the five building areas would be comprised of single-building multi-unit structures and one area would contain a cluster of fifteen townhouse units in three separate buildings. Of the 199 units, 25 units would be made available to qualified buyers/tenants under the City's Inclusionary Housing Ordinance.

¹ A minor project subdivision, which would convey 2,494 square feet to an adjoining property, consistent with the terms of the Development Covenant, is now pending in the office of the Land Court.

Compliance with dimensional standards and Covenant Restrictions is shown in the table below.

Table A. DIMENSIONAL REQUIREMENTS			
	PUD-B	Covenant	PROJECT
Minimum lot size	75,000 sf	-	236,900 sf
Minimum lot area/per dwelling unit 10 or more units (s.f.)	1,000	Max 199 units	1,190 (for 199 units)
Maximum ground coverage (%)	65%	-	30.8%
Landscaped area, minimum percent of lot	20%	-	48% (114,400 s.f.) overall; 33% (78,177 s.f.) pervious
Trees	48 (1 per 1000 required s.f. landscaping)		179
Usable Open Space	10% (half of required landscaping)	-	10% (23,640 s.f.)
Floor area ratio (FAR)	3.00	-	1.03
Maximum height, stories/feet*	7 stories/100'	3 stories/40' within 30 feet of abutting properties on Warwick St; 4 stories/56' above Lowell St grade along Lowell St	3-6 stories (including structured parking) 25' 7" to approx. 62' 2"*
Setbacks (front, side, and rear perimeter)	15'	-	18' - 80' some points; 5' closest point (along rail and path)

*covenant does not restrict the height of buildings located in the center of the project site

A. Site Design and Access

Rapid Transit Access

The MBTA has plans to extend Green Line service through the City of Somerville in the year 2014 along the existing Commuter Rail right-of-way adjoining the site. The current extension plan proposes a station to be located directly to the north of the site, making it an ideal location for Transit Oriented Development (TOD). The present application is the first proposal for a TOD within the City's already built urban context. The site has incorporated many TOD principles, including buildings that provide appropriate density while being designed to maintain pedestrian scale, walkability and beneficial natural and recreational amenities for inhabitants and neighbors.

Community Path Connections

In addition to its immediate proximity to the future Green Line station, the site adjoins the planned extension of the Community Path, which is located along an inactive rail spur, and presently terminates just west of the site at Cedar Street. This is a popular public way for alternate means of transit, including bicycling and walking. Three new ADA-compliant connections are proposed to access the extension of the Community Path.

The PMP application illustrated an additional stairway to the Community Path, between "Building A" and Lowell Street. However, due to the steep grading of the site, which would make the ramp non-ADA

accessible, and due to a “switchback” planned by the MBTA, which would connect the Path to street level on the opposite side of Lowell Street, the Applicant is no longer proposing to construct this stairwell.

Road and Sidewalk Network

The proposed site plan would improve existing and create new connections between surrounding areas for non-vehicular access. The proposal would allow a new connection between the neighborhood to the northwest and Lowell Street to the southeast via an ADA-compliant ramp and sidewalk, while prohibiting automobile through-traffic. The new ramp would lead from Lowell Street into the center of the development, which would be marked by a publicly accessible green space surrounded by on-street parking and with buildings facing all sides. The ramp itself would lead underneath one of these buildings, which would form a distinctive archway into the site. The buildings would also be sited to face public ways and existing houses, relating existing and new building fabric; as part of the continuance of existing blocks and creation of new sidewalk connections, the building layout would contribute to a wider sense of “neighborhood” and encourage access by surrounding neighbors to the publicly green space.

Landscaping & Usable Open Space

The site far exceeds the landscaping requirements of the SZO, as can be seen in the preceding Table A. The proposed site plan would set a significant portion of the site aside for pervious landscaping and open space. A significant portion of this open space is located in the center of the development, which is an easily accessible public green space of sufficient size to encourage its activation and use by many.

Extensive landscaping is also shown to screen the development along the community path extension and the commuter rail right-of-way. Smaller landscaped areas are located throughout the site, including around the perimeter of each building; some are designed to provide more private space, and others define building entrances. The proposal provides for the removal of invasive species and planting of a variety of native and low maintenance species chosen in order to better insure a healthy landscape and minimize periodic maintenance. The proposal also provides 179 trees, which is nearly four times the number required.

The total area of open space represents an increase from the original PMP approval, as a result of reconfigured parking arrangements for the “D” group of townhouses, as well as a reduced footprint for buildings “B” and “E”.

Under the proposed plan an area of approximately 23,640 square feet would be set aside as usable open space and made accessible to the public, to allow access to the public from 7:00 a.m. to 6:30 p.m. (except that during Daylight Savings, the usable open space would only be accessible from dawn to dusk).

Building Site Changes

In a change from the original Master Plan approval, the design of the northwest corner of the site has been modified to pull residential buildings in the “D” group (described below) further from the existing residences along Murdock Street. This change directly responds to concerns expressed by those abutters about the proximity of the “D” group of buildings, while also creating the opportunity for an additional, more intimate green courtyard. It also necessitates approval for a shared driveway, which is further discussed in Section G of this report.

The footprints of Buildings “B” and “E”, as described below, have been reduced in length by approximately 20 feet, in order to provide more space between buildings and more passive open space.

In addition, several outdoor storage buildings, which previously lined the edges of the site, have been removed from the site plan.

B. Building Design

In terms of massing, the proposal would take advantage of the site's 15-foot slope and depth in order to mirror the smaller scale of the neighborhoods along Warwick and Lowell Streets. Along these streets, building elements would be only three and four stories, respectively, with taller building elements of the development located on the interior of the site, and any visual impacts buffered by the development itself.

As required by the covenant and in deference to the multiple fronts the buildings each face—along the surrounding streets and onto the proposed green space—the buildings feature facades that read as “fronts” on both sides. Street-level stoops and direct entrances are common features that, along with on-street parking in front of the buildings, contribute to an urban, public feeling in this new neighborhood.

Significantly, these buildings have been deliberately designed to be architecturally diverse. This contributes to the sense of the site as an extension of an existing neighborhood, rather than an enclosed campus, which is critical to the success of the central green space. In addition, the design diversity is expected to attract residents with a variety of housing needs, contributing to the diversity of the neighborhood population.

Finally, it is important to note that the demolition of the historic industrial properties was permitted subject to several historic conditions being met. While certain conditions are still in progress and are also conditions of this approval, the requirements for building design have unanimously been deemed satisfied by the Historic Preservation Commission, who described themselves as pleased with the results, and who acknowledged the Applicant's successful design response to a variety of critics and stakeholders.

Building A

Building “A” is the simplest and most traditionally designed building, clad mostly in brick and featuring an arched gateway. The arched gateway, under which the ramp would lead into the “square”, is a thoughtful design gesture that would create a sense of welcome and arrival.

This building would be L-shaped and divided into two connected but discrete structures, each comprised of four stories over structured parking. This configuration responds to the slope and the requirement for two levels of structured parking. Building “A” will be taller as viewed from the rail bed, but the elevation shows trellises planted with vines to soften this aspect, which is a recommended condition of approval.

Buildings B & E

These twin four-story buildings with balconies on all stories and sloping roof elements would flank the central green and are designed to actively engage the park with large windows, inviting porches, and stoops. While mirroring each other with large industrial style window assemblies (evocative of the site's historic past), they would also present similar faces to the Community Path and the Commuter Rail.

These buildings are the most changed from the Master Plan approval, in response to comments received from the Design Review Committee during the Master Plan; the reduced footprint of the buildings in the new site plan (pulling away from the C and D buildings by approximately 20 feet); and interior light and configuration challenges posed by the originally conceived buildings. The Applicant has revised the roofline of these buildings in response to Design Review Committee comments, and these alternative elevations have been approved by the Historic Preservation Commission.

Building C

Closer to the Patch neighborhood, the building type would be a three-story townhouse style development, with fronts on both Warwick Street and the square, at the southwest edge of the site. These buildings would contain flats instead of actual townhouses, but the building form would feature recognizable elements of such local architecture (e.g., bay windows, set back third stories, stoops) in a more contemporary interpretation (e.g., metal panels, angular construction, flat roof).

This building is the least changed from the original proposal, excepting that the fourth floor element formerly facing the green has been entirely removed, so that the entire structure is only three stories in height. Parking is provided “on-street” (though it is actually part of the private property), further relating the new structures to the existing neighborhoods, and activating the front stoops.

D Building Group

On the northwest edge of the site would be a grouping of three townhouse buildings intended to reflect the smaller scale of the nearby neighborhood and to most closely recall the industrial heritage of the site, with corrugated metal siding, angled roofs, and expansive window assemblies.

The configuration of these buildings has been revised since the PMP approval in response to concerns expressed by residents of Murdock Street that the original layout placed the buildings too close to existing homes. In response, parking for these units is now proposed at the edge of the development, with homes pulled approximately 50-60 feet back from the edge of the site and organized around another, smaller green space featuring an *allée* of trees. This site has been designed also to serve as a fire lane. Conditions of approval will require more detail prior to construction regarding the nature of landscape and fence screening between the proposed parking and the existing residences.

General

To further reduce the need for “back yard” areas, each building would incorporate trash and recycling rooms in the garage level for internal collection.

Elevations of the proposed buildings illustrate a variety of building types, which would be executed in a variety of materials; traditional elements are interpreted in a modern manner with industrial references. Variations in the projection of façade walls, window bays, stairs, porches and balconies add definition to the exterior elevations, while the variations in building heights would also contribute to visually appeal and variety. A summary of proposed building details is shown in the following table.

Table B. BUILDING SUMMARY			
BUILDING/GROUP	UNIT COUNT	HEIGHT	Proposed Construction Schedule (Phases)
A (along Lowell)	62, plus community space	4 stories above underground parking; 49' 2" flat roof at Lowell; 51' flat roof in interior	Phase 2B (12-16 months) (Phase 2A includes Lowell Street connection and site work for Phase 2B buildings)
B (along path)	36	4 stories above 1 level of parking; 56'8" to ridge	Additional Phases
C (along Warwick)	49	3 stories above underground parking 39' 11" along Warwick	Phase 1 (18-24 months)
D (northwest corner)	15	2 stories (no underground parking)	Allowed in Phase 1, May occur in

Table B. BUILDING SUMMARY			
BUILDING/GROUP	UNIT COUNT	HEIGHT	Proposed Construction Schedule (Phases)
		25'7" low slope roof	later Phases in response to neighborhood concerns
E (along rail)	37	4 stories above 1 level of parking; 56'8" to ridge	Additional Phases
TOTALS	199 Units	NA	

C. Parking and On-site Circulation

Three major factors contribute to the layout of the on-site circulation and parking plans:

- The site's transit-oriented design, being located between a planned rapid transit station and the extended community path;
- Provision of significant public open space with on-site detention underground, limiting area that can be dedicated to additional parking; and
- Traffic mitigation components of the Covenant, which limit through-traffic and regulate access points for each unit.

Given the site's orientation, alternate transportation measures such as cycling, walking, and taking public transit will be attractive options as soon as the facilities are completed. The developer will further encourage alternate transportation through the provision of "ZipCar" spaces, covered bicycle storage in several locations, including immediately next to the path and within buildings, and posting bus and rapid transit routes and schedules. The applicant is proposing 80 bicycle spaces (50 covered), more than the 67 spaces required by the SZO.

Quantity and Distribution of Parking

In keeping with an urban model, most parking is proposed to be located underground; visible spaces would be part of the new street network, while less-urban drive-in spaces would be confined to less-visible parts of the site. Parallel spaces are proposed along the new streets, including around the central green space and along Warwick Street (but on the site itself); two of these are proposed to be car-share spaces. Drive-in surface spaces would also be provided, with some located alongside the ramp from Lowell Street and in the northwest corner of the site, along the Commuter Rail right-of-way; these would not be easily visible from surrounding residential areas. The majority of parking would be located below-grade underneath the four multi-family structures, as required by the Development Covenant.

Table C. PARKING SUMMARY		
LOCATION	UNIT COUNT	PROPOSED ASSOCIATED PARKING
Building A	62	65 spaces underground
Building B	36	23 spaces underground
Building C	49	34 spaces underground
D Complex	15	Included in on-street count
Building E	37	22 spaces underground
On-Street	-	94
TOTALS	199 Units	238 Spaces
Bike Parking	67 required	80 bike spaces (50 covered, 30 uncovered)

The proposed 238 parking spaces reflect a ratio of one parking space per dwelling unit, which is the ratio used for the City's other currently planned transit-oriented development in Assembly Square, in addition

to the required “guest parking” ratio of an additional one space per six units. The applicant’s architect has described a number of constraints that make provision of additional parking both unattainable and undesirable. Most parking has been placed underground, with surface parking arranged on the new “streets” in a compatible urban fashion; parking cannot be placed under the green space since detention basins would be located there.

Dimensions of Parking Space

In addition to standard (nine by eighteen foot) spaces throughout the site, the applicant is proposing 46 smaller (seven by 20 foot) parallel spaces, primarily surrounding the central park area. Under SZO §9.11.a a parallel space is required to measure eight by 22 feet.

On-Site Circulation

As part of the Development Covenant, the applicant has agreed to certain on-site traffic mitigation items to restrict "cut-through" vehicular traffic. In particular, non-emergency motor vehicle passage would be prohibited through the site from Lowell Street to Cedar Street; toward the western end of the site, a vehicle barrier is proposed that would only allow passage by emergency vehicles. In addition to limiting cut-through traffic, this would restrict residents of the westernmost 65 units from accessing parking via Lowell Street, while likewise restricting residents of the easternmost units from accessing the site via Warwick and Clyde Streets.

In a change since the Master Plan approval, the unit distribution across the site has been revised to provide exactly 64 units and their associated parking on the Warwick side of the barrier, with remainder of the units (and their parking) accessed via Lowell Street.

D. Waivers & Other Relief Requests

The development as proposed would require three waivers from the Planning Board and a Special Permit from the Zoning Board, in addition to the requested Special Permit with Site Plan Review.

The Planning Board has already granted one waiver for dimensional standards (setbacks) and has made findings for two waivers from parking standards (number of spaces, dimensions of spaces). With recent clarifications to the Somerville Zoning Ordinance, the Planning Board may now grant the final two waivers.

Because the site would now include a shared driveway over property that lies outside the PUD, a Special Permit is needed from the Zoning Board of Appeals under SZO §9.13.c.

Details, findings, and recommendations on these waiver and special permit requests are found in Appendices B and C to this report.

IV. 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 appendices:

- Appendix A: Findings for SPSR under SZO §5.2.5;
- Appendix B: Findings for Waivers;
- Appendix C: Findings for Special Permit under 9.13.c; and
- Appendix D: Compliance with Conditions attached to PUD-PMP approval.

V. RECOMMENDATIONS

Based on the materials submitted by the Applicant, review and comments from City staff and peer review consultants, and the attached findings, Planning Staff recommend:

1. Regarding the requested **Waivers from Parking Requirements**, that the Planning Board restate these earlier findings and **grant the waivers** requested.
2. Regarding the requested **Special Permit for Shared Driveway**, Planning Staff recommend that the Planning Board **recommend approval** of this request to the Zoning Board of Appeals.
3. Regarding the requested **Special Permit with Site Plan Review** for final level approval of a **Planned Unit Development**, Planning Staff recommend that the Planning Board **GRANT APPROVAL**, attaching the conditions found in the attached Table 1.

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

The following checklist outlines standards for Special Permit with Site Plan Review (SPSR).

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		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 would also be required and is being sought from the Zoning Board of Appeals.
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 enhance[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		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.
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.
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.

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

Requirements for SPSR (SZO §5.2.5)			
<i>Requirement</i>	<i>Met</i>	<i>Not Met</i>	<i>Finding</i>
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”.
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, 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. 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.

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

Requirements for SPSR (SZO §5.2.5)			
<i>Requirement</i>	<i>Met</i>	<i>Not Met</i>	<i>Finding</i>
<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>

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

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>

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

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	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

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

Requirements for SPSR (SZO §5.2.5)			
Requirement	Met	Not Met	Finding
advertising structures or features shall reflect the scale and character of the proposed buildings;			comply with the standards of the SZO for signs in residential districts.
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.
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
56-61 Clyde Street (MaxPak site) PB 2008-07**

PUD Design Guidelines (SZO §16.7)			
<i>Guideline</i>	<i>Met</i>	<i>Not Met</i>	<i>Finding</i>
			impactful to surrounding areas. Where the buildings adjoin or face residential property, they will not exceed the base height district.
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.
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.

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

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.
12. Make shopping centers and business parks into all-purpose activity centers.	N/A		Not Applicable.

I. BACKGROUND

The SZO states that “[in] order to maximize flexibility in the application of design standards to PUD projects, the SPGA may waive strict compliance...” with certain standards.

The applicant has already been granted a waiver under SZO §16.5.4 from 16.5.1.g (setbacks requirements).

At the time of the Master Plan approval, this authority of the Planning Board to grant waivers from standards other than “dimensional standards” was not explicit within the SZO; nevertheless, the Planning Board made the required findings under SZO §16.5.4 for granting a waiver. In the interim, the SZO has been amended with a new Section 16.5.5, which clearly establishes the Planning Board’s authority to grant waivers from the standards of Articles 9 (Parking & Loading), 10 (Landscaping), and 12 (Signage).

The Applicant is seeking waivers from the Somerville Zoning Ordinance under §16.5.5 from the requirements of §9.5.1.a (number of parking spaces) and §9.11.a (dimensions of parking spaces).

Waiver from Number of Required Parking Spaces

As described above, the applicant is seeking relief from the dimensional standards for parallel on-street spaces, and to permit a ratio of one parking space per dwelling unit (plus guest parking). Regarding the proposed parking ratio, the exact number of parking spaces that would be required is 377. The applicant is therefore proposing to provide 73% of the required parking spaces, or 238 spaces.

Precedent exists in many communities for the TOD concept of 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 the TOD parking reductions. The City’s Design Review Committee had previously stated in their findings and recommendations that they would not support any reduction in the proposed open space in order to provide additional parking. During the course of the PMP review, the City’s Traffic Engineer worked with the Applicants to develop a Parking Monitoring Program, compliance with which is a condition of approval of the PMP and this SPSR.

Waiver from Dimensions of Parking Spaces

Regarding the proposed dimensions of the parking spaces, the City’s Traffic Engineer determined during the PMP review that “relief sought from the required parking space dimensions is minor in nature [and he] has no objections and supports the request to alter the parking space dimension requirements requested with this application.”

II. FINDINGS: REQUESTS FOR WAIVERS

Under Section 16.5.5 of the SZO, the Planning Board is authorized to waive standards related to parking requirements “...upon making the findings listed in SZO§16.5.4. As authorized under §16.5.4 (*Waiver of Dimensional Standards*) and §16.5.5 (*Waiver of Standards of Articles 9, 10, and 12*), and based on the analysis contained in the staff report and the recommended conditions of approval, we find that:

- (a) Granting the waivers 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 waivers will not cause detriment to the surrounding neighborhood.

I. FINDINGS: SPECIAL PERMIT FOR SHARED DRIVEWAY (SZO 9.13.c)

Legal Notice for 1/7/08 hearing of Zoning Board of Appeals: Applicant/Owners: 56 Clyde St Acquisition, LLC, Applicant/Owners 61 Clyde St Acquisition, LLC, and Applicant/Owners: 42 Clyde St. Development, LLC, seek a special permit (§9.13.c) for a shared driveway. The driveway located at 42 Clyde Street is proposed to be accessed by development at 56-61 Clyde Street (aka “MaxPak” site) for which approval is separately sought from the Planning Board. Ward 5. RB and PUD-B1 zones.

As the site plan would be dramatically improved from the original approval as a result of the shared driveway access, Planning Staff make the following findings as required under §5.1.4 of the SZO:

1. Information Supplied: The information provided by the Applicant is found to conform to the requirements of §5.1.2 of the SZO and allows for a comprehensive analysis of the project with respect to the required Special Permits.
2. Compliance with Standards: The Applicant is found to comply "with such criteria or standards as may be set forth in this Ordinance which refer to the granting of the requested special permit." The proposed driveway meets the standards of Article 9, and no additional relief would be required.
3. Consistency with Purposes: The project is found to be "consistent with (1) the general purposes of this Ordinance as set forth in Article 1, and (2) the purposes, provisions, and specific objectives applicable to the requested special permit which may be set forth elsewhere in this Ordinance, such as, but not limited to, those purposes at the beginning of the various Articles."
4. Site and Area Compatibility: The project is found to be "designed in a manner that is compatible with the characteristics of the built and unbuilt surrounding area, including land uses." Approval of the shared driveway would enable a reconfiguration of the buildings in the northwest corner that improves their relationship to the abutting residences on Murdock Street, increases the public open space amenities of the new neighborhood, and provides better vehicle access to the site.

II. RECOMMENDATION

Based on the above findings, the Planning Staff recommends **CONDITIONAL APPROVAL** of the requested **SPECIAL PERMIT**, attaching the following conditions:

#	Condition	Timeframe for Compliance	Verified (initial)	Notes
1	Approval is for a shared driveway and is based upon the PUD-SPSR application materials under separate review by the Planning Board. The requested special permit shall be subject to the approval and relevant conditions of PB2008-07.	BP/CO	PLNG	
2	An easement describing the shared access shall be furnished to the Planning and Law Offices for review and approval prior to a BP being issued for phases of the development requiring this access.	BP of relevant phases	PLNG/ LAW	

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

#	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 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.
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.

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

#	Condition	Met	Not Met	Notes
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, and mitigation for up to five years subsequent to occupancy of Buildings C & D.		N/A at this stage	This condition is continuous for up to 5 years after full occupancy of phase I.
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			Illustrated in TDM plan.

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

#	Condition	Met	Not Met	Notes
	successors/assigns) shall also provide space for bicycle storage.			
<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. Is required as condition of SPSR.
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 drain with ductile iron pipe and manholes on either end where building “A” would be constructed over the drain.	X		Is required as condition of 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	X		

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

#	Condition	Met	Not Met	Notes
	the future maintenance of the drainage system and for compliance with storm water regulations.			
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.
	d. Construction phasing plan.		Recommend Deferral	Need prior to BPs.
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			

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

#	Condition	Met	Not Met	Notes
	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.		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. 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.	X		Also condition of SPSR. This plan may be revised 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	X	Partially Waived	Access from Lowell Street is provided by passing

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

#	Condition	Met	Not Met	Notes
	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.			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.	DUE	X	Must be signed or deferred.
<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 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.		N/A at this stage	Is condition of SPSR.
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.	Met for demolition.	N/A for construction at this stage.	Is condition of SPSR for construction.
32.	The Applicant (or its successors/assigns) shall develop a demolition plan	X		Demolition complete

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

#	Condition	Met	Not Met	Notes
	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.			
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:	X		Demolition complete
	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 and safety of workers at the site, and (iii) a plan for monitoring air quality in the immediate neighborhood.	N/A, see above		
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.	X		Demolition complete
35.	Project phasing shall conform to the requirements of the Development Covenant and details shall be provided for review during SPSR. Specifically:		Recommend Deferral of details	Will be reviewed by ISD and PLNG prior to BP issuance. Is condition of SPSR.
	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			

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

#	Condition	Met	Not Met	Notes
	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 or 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.	DUE		Due at end of appeal period.
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		N/A at this stage	BP PHASE II

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

#	Condition	Met	Not Met	Notes
	responsible for disposal of the ties, while the MBTA will assume responsibility for disposal of the rails; and			
	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)

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.	ISD/ PLNG	BP/CO	
2	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.	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	
6	Project phasing shall conform to the requirements of the Development Covenant and details shall be provided for review during SPSR. Specifically:	PLNG/ ISD	BP	
	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)

	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.			
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, 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	Two car-share spaces shall be provided on site as shown in the approved plans.	PLNG	CO	
13	Parking Management: 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.
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	

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

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 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.	HOUSING	SPSR UNLESS DEFERRED BY PLANNING BOARD	This has not been arranged yet. The Housing Department may defer this until a later stage, or the vote may require delay.
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	<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:	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	
ENVIRONMENTAL				
Condition #	Condition	Compliance Evaluated By:	Timeframe for Compliance	Notes
23	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	

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

24	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	
25	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	
OTHER COMMITMENTS				
26	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.			
27	<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.
28	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	
29	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	approval as due at SPSR. This was an error, and inconsistent with the Covenant.
30	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	the final amount of the Transportation Mitigation Program following a misunderstanding by some parties
31	Any other provisions of the Development Covenant not otherwise addressed in these conditions shall also be considered conditions of this approval.		CONT.	