



2010 APR 22 P 3:27

PLANNING DIVISION OFFICE
CITY HALL

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

PLANNING DIVISION

PLANNING BOARD MEMBERS

KEVIN PRIOR, *CHAIRMAN*
ELIZABETH MORONEY, *CLERK*
JOSEPH FAVALORO
JAMES KIRYLO
MICHAEL A. CAPUANO, ESQ.
DANA LEWINTER (ALT.)

Case #: PB #2008-07-MA-0410
Site: 56-61 Clyde Street
Date of Decision: April 15, 2010
Decision: *Petition Approved with Conditions*
Date Filed with City Clerk: April 22, 2010

PLANNING BOARD DECISION

Site:	56-61 Clyde Street ("MaxPak" site)
Applicant Name:	KSS Realty Partners as Agent for 56 Clyde Street Acquisition, LLC & 61 Clyde Street Acquisition, LLC ("Developer")
Applicant Address:	20 Park Plaza, Suite 468, Boston, MA 02116
Property Owner Name:	56 Clyde Street Acquisition LLC & 61 Clyde Street Acquisition LLC
Property Owner Address:	20 Park Plaza, Suite 468, Boston, MA 02116
Alderman:	Sean T. O'Donovan
Zoning District/Ward:	Planned Unit Development-B (PUD-B) Overlay / 5
Zoning Approval Sought:	Under §16.11.1 - Minor Amendment to PUD
Date of Application:	March 24, 2010
Date(s) of Public Meeting:	Planning Board: April 1 & 15, 2010
<u>Date of Decision:</u>	April 15, 2010
<u>Vote:</u>	4-0

Appeal #PB 2008-07-MA-0410 was opened before the Planning Board at Somerville City Hall on April 1, 2010. After two hearings of deliberation, the Planning Board took a vote.

DESCRIPTION:

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



CITY HALL • 93 HIGHLAND AVENUE • SOMERVILLE, MASSACHUSETTS 02143
(617) 625-6600 EXT. 2500 • TTY: (617) 666-0001 • FAX: (617) 625-0722

www.somervillema.gov



Parcel A-1: 27,266 sf
Parcel A-2: 10,254 sf
Parcel B: 20,183 sf
Parcel C: 24,938 sf
Parcel D: 49,357 sf
Parcel E: 19,347 sf
Parcel F: 85,487 sf

2010 APR 22 P 3:27

CITY CLERK'S OFFICE
SOMERVILLE, MA

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

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

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

FINDINGS:

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

DECISION:

Present and sitting were Members Elizabeth Moroney, Michael Capuano, James Kirylo and Dana LeWinter with Kevin Prior and Joseph Favaloro absent. Upon making the above findings, Michael Capuano made a motion to approve the request for a special permit. James Kirylo seconded the motion. Wherefore the Planning Board voted 4-0 to **APPROVE** the request. In addition the following conditions were attached:



CITY HALL • 93 HIGHLAND AVENUE • SOMERVILLE, MASSACHUSETTS 02143
(617) 625-6600 EXT. 2500 • TTY: (617) 666-0001 • FAX: (617) 625-0722

www.somervillema.gov

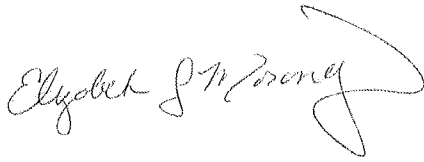


#	Condition	Timeframe for Compliance	Verified (initial)	Notes						
1	<p>Approval is for a Minor Amendment to reconfigure parcels within the MaxPak PUD and to approve the new configuration as complying with required lawful access from public ways (Lowell St and Warwick/Clyde Streets) and satisfying the frontage dimensions for each of the buildable lots, exclusive of parcel F. This approval is based upon the following application materials and the plans submitted by the Applicant:</p> <table><tr><th>Date (Stamp Date)</th><th>Submission</th></tr><tr><td>(3/25/2010)</td><td>Initial application submitted to the City Clerk's Office</td></tr><tr><td>4/01/10</td><td>Plan of Land</td></tr></table> <p>Any changes to the approved plan that is not <i>de minimis</i> must receive PB approval.</p>	Date (Stamp Date)	Submission	(3/25/2010)	Initial application submitted to the City Clerk's Office	4/01/10	Plan of Land	OFFICE CITY		
Date (Stamp Date)	Submission									
(3/25/2010)	Initial application submitted to the City Clerk's Office									
4/01/10	Plan of Land									
2	<p>Following final review and approval by the City's Law Department, the Applicant shall (a) record the following documents with the Middlesex South District Registry of Deeds and (b) simultaneously file them with South Middlesex Land Registration Office of the Land Court:</p> <ul style="list-style-type: none">• The Max Pak Square Master Declaration of Covenants with Exhibits;• The Max Pak Square Open Space Covenant and Restriction; and an• Air Rights Easement <p>The foregoing documents ("MaxPak Documents") shall be recorded and registered as above specified, and no building permit shall be issued for the MaxPak project until the Planning Staff has received certified copies of the recorded/registered documents; in addition, if any Parcel is conveyed prior to recording/ registration of the MaxPark Documents, it shall also be a condition for the issuance of a building permit that the new owner submit evidence satisfactory to the Planning Director that an instrument or instruments have been recorded/registered that run with the land and subject the deeded Parcel to the MaxPak Documents as though the Deed (any any Mortgage) had been recorded/registered subsequent to the recording/registration of the MaxPak Documents. Final approval of the MaxPak Documents to be recorded/registered as aforesaid is delegated to Planning Director.</p>	Building Permit	Plng.							

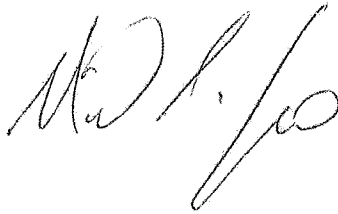
Attest, by the Planning Board:

2010 APR 22 P 3:28

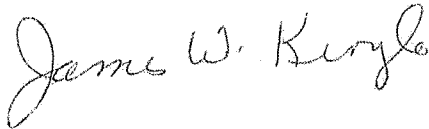
CITY CLERK'S OFFICE
SOMERVILLE, MA



Elizabeth Moroney



Michael A. Capuano, Esq.



James Kirylo



Dana LeWinter

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

CLERK'S CERTIFICATE

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

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

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

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

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

FOR VARIANCE(S) WITHIN

_____ there have been no appeals filed in the Office of the City Clerk, or
_____ any appeals that were filed have been finally dismissed or denied.

FOR SPECIAL PERMIT(S) WITHIN

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

Signed _____ City Clerk Date _____



CITY HALL • 93 HIGHLAND AVENUE • SOMERVILLE, MASSACHUSETTS 02143
(617) 625-6600 EXT. 2500 • TTY: (617) 666-0001 • FAX: (617) 625-0722

www.somervillema.gov

