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OFFICE OF STRATEGIC PLANNING & COMMUNITY DEVELOPMENT
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Case #: PB 2008-07-R3-5/2012
Date: May 31, 2012
Recommendation: Conditional Approval

PLANNING STAFF REPORT

Site: 56-61 Clyde Street

Applicant Name: Davis Square Partners

Applicant Address: 100 Franklin Street, Boston, MA 02110 c/o Gate Residential

Property Owner Name: VIF II \ Maxpac Square Owner, LLC

Property Owner Address: 100 Franklin Street, Boston, MA 02110 c/o Gate Residential

Alderman: Sean O'Donovan

Legal Notice: Applicant Davis Square Partners and Owner VIF II \ Maxpac Square Owner, LLC, seek a revision to an approved Special Permit with Site Plan Review under §5.3.8 to remove Condition # 4 of the original approval which pertains to signage and for a Waiver of Standards of Article 12 (Signs) under §16.5.5 to erect signage at an approved PUD development for 199 residential units. RB Zone / Planned Unit Development-B (PUD-B1) Overlay Zone / Ward 5.

Zoning District/Ward: RB Zone/Planned Unit Development-B (PUD-B1) Overlay Zone/Ward 5

Zoning Approval Sought: Revision to Special Permit with Site Plan Review under SZO §5.3.8 and Waiver of Standards of Article 12 (Signs) under §16.5.5

Date of Application: May 8, 2012

Dates of Public Hearing: Planning Board – **June 7, 2012**

I. PROJECT DESCRIPTION

1. Subject Property: The subject property is trapezoidal in shape, bounded by Warwick Street and several residential properties to the northwest, the planned Somerville Community Path extension 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 contains approximately 237,480 square feet. 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 right-of-way. The underlying



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zoning district for the subject property is RB and there is a Planned Unit Development – B1 (PUD-B1) overlay district on the site as well.

2. Permitting and Review Process: On April 3, 2008, the Planning Board granted Planned Unit Development-Preliminary Master Plan (PUD-PMP) (case # PB 2008-01) approval with waivers under Somerville Zoning Ordinance (SZO) §16.5.4 (waiver of dimensional standards) for §16.5.1.g (setbacks), subject to certain conditions, for the subject property. On December 18, 2008, the Planning Board granted conditional approval (case # PB 2008-07) of:

- Special Permit with Site Plan Review (SPSR) for final level approval of the PUD (§16.8); and,
- Waivers from the Somerville Zoning Ordinance under §16.5.5 (waiver of standards of Article 9) from the requirements of §9.5.1.a (number of parking spaces) and §9.11.a (dimensions of parking spaces).

On April 15, 2010, the Planning Board granted a minor amendment (case # PB 2008-07-MA-0410) to reconfigure the site into seven parcels to align more closely with the approved buildings and community space for conveyance and finance purposes. At this meeting the Planning Board also granted a revision to the SPSR to incorporate design changes to the approved Building "D" (aka "townhouse") portion of the development (15 units) and alter the grading and utilities plans in the immediate area surrounding the Building "D" complex.

In January of 2011, the Planning Board granted a revision to the original SPSR approval (case # PB 2008-07-R-1110) to revise the approved plans to incorporate additional changes to the design of the buildings and site plan. Specifically, the approved revision made alterations to the design of buildings A, B, C and E and elements of the site surrounding these buildings. The changes were based upon the enhancement of the design, constructability, compliance with MAAB requirements and MBTA and MassDOT requirements. The amended plan adjusted site grading and landscaping, reduced overall building height, modified windows, changed building elevations, reduced the total square footage, reduced the total floor-area-ratio, reduced the total lot coverage, reduced the number of parking garage entries, increased the number of parking spaces and changed the total number of bedrooms, but did not change the total unit count.

The site has been the subject of an extensive community process, which culminated in a signed "Development Covenant" between the City and the developer before the master plan approval; this also incorporated a "Memorandum of Agreement between Somerville Historic Preservation Commission and Clyde Street Acquisition, LLC". During the PMP and SPSR reviews of this proposal, 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 and SPSR approvals and in any SPSR Revision approval.

3. Proposal: The 199 unit housing project at Maxwell's Green is under construction and the Applicant is now ready to begin erecting signage for branding purposes at the subject property. The Applicant would like to construct property monument signage at the entrance to the development complex off of Lowell Street, along with an interpretive exhibit within the complex. The property entrance monument signage is designed as a crash barrier to prevent cars from entering the community path from the Lowell Street bridge. The two crash barriers are approximately 4 feet high and 3 feet deep and bend along the edge of the Maxwell's Green roadway as it connects to Lowell Street. The signage, which is 3 feet high and would stretch for almost 22 feet across the concrete wall barrier, is designed to appear to be integral to the barrier. The signage is actually Gil Sans lettering cut out from a 3/8" thick corten steel panel that will be affixed to the crash barriers and would extend about 3 inches above the top of the

barrier wall. The cut out lettering itself is only 1 foot 3 inches high and would be illuminated with a ground light fixture that would shine onto the steel panel. Each of these signs is approximately 66 square feet in size which is well above the permitted 12 square feet as specified in Article 12 of the SZO.

The proposed historical kiosk/interpretive exhibit that the Applicant would like to erect was a requirement per the memorandum of understanding between the Owner and the Somerville Historic Preservation Commission. The proposed kiosk is 18 square feet in size (6 feet high and 3 feet wide) and consists of a galvanized steel panel with a "corten" finish affixed to a case in place concrete base that this 7 feet tall and 3.5 feet wide. The kiosk would be illuminated with an up-light fixture. This interpretive exhibit provides a history of the Maxwell's Green site from origins as a home to a corrugated box production business. The kiosk would be located in the center of the development between buildings 3 and 5 on the pedestrian connection to the Community Path. This 18 square foot sign also exceeds the 12 square feet of permitted sign size as specified in Article 12 of the SZO.

In order to erect any of these three signs, the Applicant needs to seek relief from the specific condition, Condition # 4, in the original SPSR approval. As such, the Applicant would like to have Condition # 4 revised or removed from the SPSR approval which reads as follows: "Any new signage must comply with the standards of the SZO for signs in residential districts."

4. Nature of Application: Revisions to Special Permits and Special Permits with Site Plan Review may be sought under §5.3.8 of the SZO before the final Certificate of Occupancy is issued for a project that received a Special Permit. The proposed revision is not deemed de minimis because the requested change, the removal or revision of Condition # 4, would contravene a condition of the SPGA in the original approval. Revisions to Special Permits that are not de minimis in nature are subject to the full notice and hearing provisions of the SZO. As part of this Revision to the SPSR application, the Applicant is seeking a waiver from the standards of SZO Article 12 in the PUD under SZO §16.5.5 to erect the proposed signage for the Maxwell's Green development.

5. Surrounding Neighborhood: The site is surrounded by a number of residential neighborhoods featuring a mixture of building types but typified by small-scale, predominantly 2½ 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 Development Covenant. The right-of-way for 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 Visiting Nurse Association assisted living 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 extension. 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.

6. Impacts of Proposal: The overarching goal behind Condition # 4 of the original SPSR approval was to regulate the signage at the Maxwell's Green development in the PUD-B1 district. The original condition only permitted signage within the PUD-B1 that conformed to the signage requirements for residential districts as specified in SZO Article 12 (Signs). This only permits an extremely small amount of signage (12 square feet) and is not conducive for identification purposes for a 199 unit residential development. However, simply removing Condition # 4 would not help to achieve the overarching goal of having some sort of regulation over the signage in the PUD-B1 district. Therefore, Planning Staff is proposing edits to Condition # 4 that would require the Applicant to comply with the signage plans they have submitted as part of this Revision to the SPSR application. Condition # 4 would read as follows:

“Signage must comply with the approved plans in SPGA case # PB 2008-07-R3-5/2012 with an OSPCD date stamp of May 31, 2012.”

Planning Staff is also proposing a new additional condition, Condition # 42, which would read as follows:

“In the event that the MBTA needs to rework the design and/or access of the future Lowell Street Green Line Station, if necessary, the Applicant shall at their expense relocate the crash barrier walls in accordance with the MBTA’s plans.”

The property entrance monument signage would be affixed to existing crash barriers that are four feet in height and would only extend above the top of the barriers by three inches. The entrance signage will add a decorative element to a very industrial feeling concrete wall that will welcome residents and visitors to the Maxwell’s Green complex. The interpretive kiosk, while somewhat tall in nature at 7 feet above grade, its location in the center of the development complex situated between two buildings and amongst vegetation, will be virtually impossible for someone to see from outside of the residential grounds. Additionally, the lighting of each of these proposed signs is simple in nature as in both cases ground fixtures will illuminate steel panels. Therefore, there will be minimal impacts, if any, to the approved development, abutters, or the surrounding neighborhood as a result of this signage proposal.

With the revision to Condition # 4 and the addition of Condition # 42 to the original SPSR approval (PB 2007-08), there shall be minimal impacts to the surrounding neighborhood and therefore the Applicant’s proposed signage would not appear to be detrimental to the immediate abutters or the surrounding area.

7. Green Building Practices: None indicated.

8. Comments:

Fire Prevention: Has been contacted but has not yet provided comments.

Ward Alderman: Alderman O’Donovan has been contacted but has not yet provided comments.

Historic Preservation: Has been contacted but has not yet provided comments

DPW/Highway/Lights & Lines: Has been contacted but has not yet provided comments

Engineering: Has been contacted but has not yet provided comments.

Wiring Inspector: Has been contacted but has not yet provided comments.



Existing Conditions



II. FINDINGS FOR SPECIAL PERMIT REVISION (SZO §5.3.8):

In order to grant a Special Permit, the SPGA must make certain findings and determinations as outlined in §5.1.4 of the SZO. This section of the report goes through §5.1.4 in detail.

The following findings are relevant to the proposed editing of Condition # 4 in the original SPSR approval as proposed by Planning Staff instead of simply removing the condition all together.

1. Information Supplied: The Staff finds that the information provided by the Applicant conforms 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 must 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 proposal complies with the standards for issuing a revision to the Special Permit. The final Certificate of Occupancy has not yet been issued, the proposal otherwise is in accordance with the originally approved plans and conditions, and notice has been given for the public hearing.

3. Consistency with Purposes: The Applicant has to ensure that the project "is 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."

The proposal, with the edited and added conditions, is consistent with the general purposes of the Ordinance as set forth under §1.2, which includes, but is not limited to providing for and maintaining "the uniquely integrated structure of uses in the City; to conserve the value of land and buildings; to preserve the historical and architectural resources of the City; to adequately protect the natural environment; to encourage the most appropriate use of land throughout the City; and to preserve and increase the amenities of the municipality."

The proposal, with the edited and added conditions, is also consistent with the purpose of the Planned Unit Development, or PUD, which is, "to provide for a mixture of land usage at designated locations at greater variety, density and intensity than would normally be allowed. The purpose for a PUD is also to achieve, to the greatest possible degree, land development responsive to an analysis of the environmental assets and liabilities of a site, both natural and man-made. A PUD should 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. A PUD is allowed greater design flexibility so that larger-scale site and master planning for a development may protect natural features and consider most fully the surrounding land use and development context. This may allow for development to be more highly concentrated on one portion of a site than would otherwise be the case, with a resulting lower intensity of development elsewhere on the site. Development should be concentrated in the most suitable and least environmentally sensitive areas of the landscape. Preservation and enhancement of open space is strongly promoted.

The PUD concept is deemed highly appropriate to large scale mixed use development in those districts where it may be permitted, and is strongly encouraged. In those base zoning districts where a PUD is permitted, it is intended that the benefits of Planned Unit Development to the developer will act to encourage consolidation of unused and/or underutilized land parcels so that comprehensive and responsible site planning will occur. A designated PUD may permit for inclusion certain land uses only allowable in a PUD context under provisions of this Zoning Ordinance. A PUD may be more responsive to economic and market conditions because of greater zoning flexibility and development phasing, resulting in a wider range of product type and development responsive to changes in design technology over time."

4. Site and Area Compatibility: The Applicant has to ensure that the project "(i)s designed in a manner that is compatible with the characteristics of the built and unbuilt surrounding area, including land uses."

The Applicant is not proposing to change the residential buildings which are currently under construction in conformance with the plans of the originally awarded SPSR. The proposed signage the Applicant would like to erect would be compatible with the built and unbuilt surrounding area. The property

entrance monument signage would be affixed to existing crash barriers that are four feet in height and would only extend above the top of the barriers by three inches. The entrance signage will add a decorative element to a very industrial feeling concrete wall that will welcome residents and visitors to the Maxwell's Green complex. The interpretive kiosk, while somewhat tall in nature at 7 feet above grade, its location in the center of the development complex situated between two buildings and amongst vegetation, will make it virtually impossible for someone to see from outside the residential grounds. Additionally, the lighting of each of these proposed signs is simple in nature as in both cases ground fixtures will illuminate steel panels.

5. Adverse Environmental Impacts: The proposed use, structure or activity will not constitute an adverse impact on the surrounding area resulting from: 1) excessive noise, level of illumination, glare, dust, smoke, or vibration which are higher than levels now experienced from uses permitted in the surrounding area; 2) emission of noxious or hazardous materials or substances; 3) pollution of water ways or ground water; or 4) transmission of signals that interfere with radio or television reception.

No adverse environmental impacts are anticipated from this project. No new noise, glare, smoke, vibration, nor emissions of noxious materials nor pollution of water ways or ground water nor transmission of signals that interfere with radio or television reception are anticipated as part of the proposal.

6. Vehicular and Pedestrian Circulation: The circulation patterns for motor vehicles and pedestrians which would result from the use or structure will not result in conditions that create traffic congestion or the potential for traffic accidents on the site or in the surrounding area.

The Applicant is not proposing to make any changes to the circulation patterns for motor vehicles or pedestrians that were approved in the original SPSR (PB 2008-07) or the approved revision (PB 2008-07-R-1110). The crash barriers which will prevent cars from entering the community path will be constructed whether or not the proposed signage is erected. The entrance monument signage will simply help to mask the large expanse of concrete wall on both sides of the entrance drive off of Lowell Street. Planning Staff is recommending an additional condition be added to the original SPSR approval that requires the Applicant to move these crash barriers should the MBTA deem it necessary if they need to rework the design and/or access to the MBTA Lowell Street Green Line Station in the future.

III. FINDINGS FOR WAIVER OF STANDARDS OF ARTICLE 12 (SIGNS) (SZO §16.5.5):

In a proposed PUD, relief from the standards of SZO Article 9 (Off-Street Parking and Loading), Article 10 (Landscaping and Screening), and Article 12 (Signs) may be granted solely through a waiver from the SPGA, in this case the Planning Board, and only upon making the required determinations as outlined in Section 16.5.4 of the SZO. This section of the report goes through §16.5.4 in detail.

1. Such a waiver would result in a better site plan than strict compliance with the stated standards.

If the Applicant were required to adhere to Condition # 4 as it is currently written and the regulations of Article 12, the permitted signage would be woefully out of scale with the rest of the development project. Signage for residential uses in residential districts can only be 12 square feet in size. This amount of square footage is well below a reasonable amount of signage to identify the 199 units on the 237,480 square foot project site. Therefore, Planning Staff finds that a waiver from Article 12 of the SZO would result in a better site plan than strict compliance with the existing condition of the approved SPSR.

2. The proposed PUD design furthers the Purpose and PUD Design Guidelines of Section 16.7 (PUD Design Guidelines).

- a. The design of the signage is cohesive to the rest of the proposed development and adheres to the identifiable design feature throughout the entire site.
- b. There are no additional buildings being proposed as part of this signage proposal.
- c. No building is being proposed to exceed the base district height limit as part of this proposal.
- d. The proposal does not preclude future connections of usable open space on the site or to other locations off the subject property.
- e. The proposed project does not cast a shadow on residential lands or usable public open space.
- f. The proposed signage does not alter or restrict the existing or originally proposed vehicular access to and from the subject property.
- g. The signage proposal does not involve any changes to the internal PUD streets or local and collector roadways.
- h. The signage proposal does not alter the PUD block size, scale, or street grid.
- i. The signage proposal preserves and enhances the natural features at the subject property.
- j. The signage proposal minimizes impervious surfaces.
- k. The entrance monument signage being proposed incorporates itself into the existing crash barriers that are being installed to prevent cars from entering the community path from the Lowell Street bridge.
- l. Shopping centers and business parks are not part of this proposal.

3. The granting of such a waiver will not cause detriment to the surrounding neighborhood.

The granting of a waiver from SZO §12 will not cause detriment to the surrounding neighborhood because, as conditioned, this approval would require the Applicant to construct the signage as specified on the submitted plans with an OSPCD date stamp of May 31, 2012. The property entrance monument signage would be affixed to existing crash barriers that are four feet in height and would only extend above the top of the barriers by three inches. The entrance signage will add a decorative element to a very industrial feeling concrete wall that will welcome residents and visitors to the Maxwell's Green complex. The interpretive kiosk, while somewhat tall in nature at 7 feet above grade, its location in the center of the development complex situated between two buildings and amongst vegetation, will be virtually impossible for someone to see from outside the residential grounds. Additionally, the lighting of each of these proposed signs is simple in nature as in both cases ground fixtures will illuminate steel panels.

IV. RECOMMENDATION

Revision to Special Permit under §5.3.8 and Waiver of Standards of Article 12 (Signs) under §16.5.5

Based on the above findings and subject to the following conditions, the Planning Staff recommends **CONDITIONAL APPROVAL** of the requested **REVISION TO SPECIAL PERMIT with SITE PLAN REVIEW** and **WAIVER OF STANDARDS OF ARTICLE 12 (SIGNS)**.

The recommendation is based upon a technical analysis by Planning Staff of the application material based upon the required findings of the Somerville Zoning Ordinance, and is based only upon information submitted prior to the public hearing. This report may be revised or updated with new recommendations, findings and/or conditions based upon additional information provided to the Planning Staff during the public hearing process.

(Please see the attached list of conditions for the approved Special Permit with Site Plan Review. Deletions ~~struck~~, additions underlined.)

TABLE 1: CONDITIONS OF APPROVAL FOR 56-61 CLYDE ST ("MAXPAK") SPSR APPLICATION (PB 2008-07-R3-5/2012)**The Following Conditions of Approval Supersede the Conditions of Approval from the December 18, 2008 (PB 2007-08) Decision and from the January 6, 2011 (PB 2008-07-R-1110) Decision**Changes from prior Conditions of Approval are in**Bold**.

PROCEDURAL				
Condition #	Condition	Compliance Evaluated By:	Timeframe for Compliance	Notes
1	Approval is for a 199-unit residential development, comprised of five building groups surrounding a courtyard and organized around new private ways. The eastern portion of the site shall be accessed via a new ramp descending from Lowell Street, and the western portion of the site shall be accessed via Warwick Street, with egress via Clyde Street. There shall be three connections from the site to the Community Path to the south. Approval is based on site plans, landscaping plans, and elevations dated November 24, 2008, and stamped into OSPCD on 12/8/08. Revised plans for the D Buildings portion of the site dated 4/7/10 and stamped into OSPCD on 4/12/10 are identified as A2.07, A2.07.1-A2.07.3, A4.05, A4.05.1, A4.05.2, C1.02, C1.03, C4, C5. Revised plans for A, B, C & E Buildings are as follows: plans dated 12/15/10 identified C-1.01, C1.02, C1.03 (updated 12/3/10), C-1.04, A-101-113, A-201-209.	ISD/ PLNG	BP/CO	
2	Consistent with the <i>Usable Open Space Covenant and Restriction Application to Max Pak Square</i> , the Extended Hours Usable Open Space (i.e., the ramp from Lowell Street and the street and walkway adjacent to Building A leading to the Community Path and the sidewalk along Warwick Street) shall be accessible for pedestrian and bicycle access twenty-four hours per day. In the event that use of the Extended Hours Open Space by the public between the hours of 1:00 am and 5:00 am (the hours when the MBTA is not operating) interferes with the quiet enjoyment of the Property by Max Pak Square residents, and if the City and Owner cannot resolve said problem, then the Planning Director can modify this condition if notified that the Mayor has agreed to prohibit public access between 1:00 and 5:00 am. The rest of the Usable Open Space shall be accessible for pedestrians and bicycle access between the hours of 7:00 am and 6:30 pm daily, or during Daylight Savings Time from dawn to dusk, whichever is longer. City review of restriction will be applicable prior to the issuance of Certificates of Occupancy.	Law / OSPCD	CO	
SITE DESIGN				
Condition #	Condition	Compliance Evaluated By:	Timeframe for Compliance	Notes
3	Final dimensions of utilities and transformers, and details on their manner of screening must be presented to Planning Staff in order to review for compliance with this SPSR prior to building permits.	PLNG	Prior to installation	
4	Any new signage must comply with the standards of the SZO for signs in residential districts. Signage must comply with the approved plans in SPGA case # PB 2008-07-R3-5/2012 with an OSPCD date stamp of May 31, 2012.	PLNG/ ISD	As applicable CO	
BUILDING DESIGN & CONSTRUCTION				
Condition #	Condition	Compliance Evaluated By:	Timeframe for Compliance	Notes
5	Prior to application for building permits, the Applicant shall submit final plans illustrating: site plan with dimensions of buildings, setbacks, travel lanes, parking lanes, landscaped areas, and sidewalks; and a construction phasing plan.	PLNG/ ISD	BP	

TABLE 1: CONDITIONS OF APPROVAL FOR 56-61 CLYDE ST ("MAXPAK") SPSR APPLICATION (PB 2008-07-R3-5/2012)

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

TABLE 1: CONDITIONS OF APPROVAL FOR 56-61 CLYDE ST ("MAXPAK") SPSR APPLICATION (PB 2008-07-R3-5/2012)

	e. Phase 2 B shall consist of the construction of approximately 65 residential units and associated parking. construction of Phase 2 B buildings (other than work completed as Phase 2 A) shall not begin until the ramp has been constructed to a safe, passable level, at which point vehicular traffic related to Phase 2 B shall be restricted to the Ramp.			
	d. Any additional phases shall consist of the construction of the remaining residential units, and access/egress for construction vehicles shall be solely via the ramp.			
	e. The construction schedule will be determined in a standard large project construction agreement between the City and the Developer during SPSR.			
LANDSCAPING AND OPEN SPACE				
Condition #	Condition	Compliance Evaluated By:	Timeframe for Compliance	Notes
7	No portion of any building along Warwick Street within 30 feet of abutting properties shall exceed three stories above basement level parking or forty feet in height.	ISD/ PLNG	BP/CONT	
8	No buildings along Lowell Street shall exceed four stories or fifty-six feet in height above the Lowell Street grade.	ISD/ PLNG	BP/CONT	
9	Final landscaping plan shall be reviewed with Planning Staff prior to request for CO. Specific goals of final review include screening of structured parking and transformers, mitigation of existing drainage from Lowell St to Community Path, screening of headlights from the driveway into Building A from residences to the north of the railroad track and screening of northwest parking area from adjoining residences. More detail will be required prior to construction regarding the nature of landscape a 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	<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.	PLNG/ FP	CO	
12	Three car-share spaces shall be provided on site as shown in the approved plans	PLNG	CO	
13	<u>Parking Management</u> : The Applicant shall comply with the terms of the Transportation Demand Management Plan, entitled "MaxPac Square, Proposed Parking Monitoring Program", stamped into OSPCD on April 2, 2008, which prescribes standards for on-street parking, monitoring, and mitigation for up to five years subsequent to occupancy of Buildings C & D.	T&P	CONT.	This condition is continuous for up to 5 years after full occupancy of phase I.

TABLE 1: CONDITIONS OF APPROVAL FOR 56-61 CLYDE ST ("MAXPAK") SPSR APPLICATION (PB 2008-07-R3-5/2012)

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

TABLE 1: CONDITIONS OF APPROVAL FOR 56-61 CLYDE ST ("MAXPAK") SPSR APPLICATION (PB 2008-07-R3-5/2012)

ENVIRONMENTAL				
Condition #	Condition	Compliance Evaluated By:	Timeframe for Compliance	Notes
23	The Applicant (or its successors/assigns) shall develop a demolition plan in consultation with the City of Somerville Inspectional Services Department. Full compliance with proper demolition procedures shall be required, including timely advance notification to abutters of demolition date and timing, good animal control measures, minimization of dust, noise, odor, and debris outfall, and sensitivity to existing landscaping on adjacent sites.	ISD	PRIOR TO DEMOLITION PERMIT	
24	The Applicant (or its successors/assigns) will provide notice of intent to comply, to the maximum extent feasible, strategies during demolition and construction to mitigate dust and control air quality, to minimize noise and to implement a waste recycling program for the removed debris.	ISD/ OSE/ CON COM	DURING DEMO & CONSTRUCTION	
25	Notification must be made, within the time period required under applicable regulations, to the Massachusetts Department of Environmental Protection (DEP) if there is any reportable release of oil, hazardous materials, or regulated hazardous substances at the site. The City's OSE office and the Board of Health shall also be notified.	ISD/ OSE/ BOH	DURING DEMO & CONSTRUCTION	
26	All construction materials and equipment must be stored onsite. If occupancy of the street layout is required, such occupancy must be in conformance with the requirements of the Manual on Uniform Traffic Control Devices and the prior approval of the Traffic and Parking Department must be obtained.	ISD/ T&P	DURING CONSTRUCTION	
27	The Applicant (or its successors/assigns) shall at his expense replace any existing equipment (including, but not limited to street sign poles, signs, traffic signal poles, traffic signal equipment, wheel chair ramps, granite curbing, etc) and the entire sidewalk immediately abutting the subject property if damaged as a result of construction activity. All new sidewalks and driveways must be constructed of concrete.	DPW / T&P	CO	
28	The developer shall report to the City's Office of Sustainability & Environment on what energy efficiency and water saving measures would be part of the construction.	OSE	CO	

TABLE 1: CONDITIONS OF APPROVAL FOR 56-61 CLYDE ST ("MAXPAK") SPSR APPLICATION (PB 2008-07-R3-5/2012)

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

TABLE 1: CONDITIONS OF APPROVAL FOR 56-61 CLYDE ST ("MAXPAK") SPSR APPLICATION (PB 2008-07-R3-5/2012)				
36	The applicant shall provide contact information for a 24-hour complaint line for people to call to address issues about impacts that may arise during construction.	ISD/PLNG	DURING DEMO & CONSTRUCTION	
37	The applicant will be required to meet with Planning, ISD and other applicable DPW staff on a weekly basis, unless canceled by staff, to ensure that any issues that arise are addressed in a timely fashion.	ISD/PLNG	DURING DEMO & CONSTRUCTION	
38	No exterior construction work and no construction work that creates any noise outside of the structures shall begin prior to 9am on Saturdays.	ISD	DURING DEMO & CONSTRUCTION	
39	Applicant shall be allowed to add additional front stoops and adjust grading in areas where front door and front stoops may still be possible under MAAB regulations, and if regulations change before construction of these elements are complete, shall return the stoops to the development as located on the original plan.	PLNG	BP	
40	Metal siding may be replaced with cementitious siding, where marked on the plans, after notification to the Planning Staff.	PLNG	BP	
41	The Developer shall work with Planning Staff to identify additional pedestrian & traffic safety measures that can be installed at the Lowell St entrance to the site.	PLNG	CO	
<u>42</u>	<u>In the event that the MBTA needs to rework the design and/or access of the future Lowell Street Green Line Station, if necessary, the Applicant shall at their expense relocate the crash barrier walls in accordance with the MBTA's plans.</u>	<u>PLNG</u>	<u>CONT.</u>	



56-61 Clyde Street