



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

PLANNING DIVISION

PLANNING BOARD MEMBERS

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JAMES KIRYLO
MICHAEL A. CAPUANO, ESQ.
ELIZABETH MORONEY

Case #: PB 2011-17
Site: 74 & 100 Foley Street
Date of Decision: November 3, 2011
Decision: *Petition Approved with Conditions*
Date Filed with City Clerk: November 8, 2011

PLANNING BOARD DECISION

Applicant Name:	Federal Realty Investment Trust
Applicant Address:	1626 East Jefferson Street, Rockville, MD 20852
Property Owner Name:	Street Retail, Inc.
Property Owner Address:	1626 East Jefferson Street, Rockville, MD 20852
Agent Name:	Vanasse, Hangen Brustlin, Inc.
Agent Address:	101 Walnut Street, Watertown, MA 02471
<u>Legal Notice:</u>	Applicant Federal Realty Investment Trust and Owner Street Retail, Inc., seek Special Permit with Site Plan Review – A approval under SZO §7.11.6.5.b to relocate a 48,575 square foot area for dry boat storage.
<u>Zoning District/Ward:</u>	ASMD zone/Ward 1
<u>Zoning Approval Sought:</u>	§7.11.6.5.b
<u>Date of Application:</u>	September 24, 2011
<u>Date(s) of Public Hearing:</u>	November 3, 2011
<u>Date of Decision:</u>	November 3, 2011
<u>Vote:</u>	4-0

Appeal #PB 2011-17 was opened before the Planning Board at Somerville City Hall on November 3, 2011. Notice of the Public Hearing was given to persons affected and was published and posted, all as required by M.G.L. c. 40A, sec. 11 and the Somerville Zoning Ordinance. After one hearing of deliberation, the Planning Board took a vote.



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DESCRIPTION:

The Applicant is proposing to designate a new area for temporary dry boat storage near the Winter Hill Yacht Club. The existing boat storage area runs parallel to the MBTA Orange Line tracks in a north to south manner between the Winter Hill Yacht Club and the Foley Street driveway easement. The new storage area will be approximately 145 feet wide and 355 feet long and will run parallel to Foley Street in an east to west manner between the proposed future Main Street and G Street. A 30 foot wide boat storage access drive will provide access between the boat storage premises and a truck maneuvering area near the yacht club where the boats can be placed into or removed from the water. The relocation of the boat storage area is proposed to be temporary to accommodate the project infrastructure and building construction for the mixed-use portion of the approved PUD Preliminary Master Plan (PUD PMP), which just this month received special permit approval. The temporary boat storage area will have a pervious surface. The Winter Hill Yacht Club may potentially install fencing, lighting, and a new pervious parking surface within the limits of the designated boat storage area.

FINDINGS FOR SPECIAL PERMIT with SITE PLAN REVIEW–A (SZO §7.11.6.5.b, §6.4.9):

In order to grant a Special Permit with Site Plan Review–A, the SPGA must make certain findings and determinations as outlined in §5.2.5 and §6.4.9 of the SZO. This section of the report goes through §5.2.5 and §6.4.9 in detail.

Findings under §5.2.5:

1. Information Supplied: The Board finds that the information provided by the Applicant conforms to the requirements of §5.2.3 of the SZO and allows for a comprehensive analysis of the project.
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 with Site Plan Review-A.”

In considering a Special Permit with Site Plan Review–A under §7.11.6.5.b of the SZO, the Board finds that the use proposed would not be substantially more detrimental to the surrounding area than the existing use. The proposed project will simply be reconfiguring the existing boat storage area. The storage area, which currently runs parallel to the MBTA Orange Line tracks in a north to south manner, will be reconfigured to run parallel to the Foley Street driveway easement in an east to west manner. The area will remain a large pervious surface used for dry boat storage which is compatible with the uses in the surrounding area

3. Purpose of District: The Applicant has to ensure that the project “is consistent with the intent of the specific zoning district as specified in Article 6”.

The proposal is consistent with the purpose of the ASMD district, §6.4.1, which is, “to encourage the best use of Assembly Square physically, economically, environmentally and socially while promoting the best interests of residents of the City. The ASMD is intended to fulfill the goals and objectives contained in the Assembly Square District Plan (the ASD Plan, as hereinafter defined). The ASMD zoning is designed to allow the district to reach these goals.”

4. Site and Area Compatibility: The Applicant has to ensure that the project “(i)s 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 the buildings are compatible with those prevalent in the surrounding area”.

The proposed use would be compatible with the surrounding uses of the area. The temporary relocation, or reconfiguration, of the existing boat storage area is necessary to accommodate project infrastructure and building construction for the mixed-use portion of the PUD Preliminary Master Plan (PUD PMP), which just



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this month received special permit approval. No new structures are being proposed as part of the project and the new boat storage area will remain a pervious surface which will not alter the stormwater runoff or water pollution situation in the area. Furthermore, the proposed relocation, or reconfiguration, of the boat storage area is proposed to be temporary and therefore the Board is proposing a condition that would limit the life of this use to one (1) year from the time the decision is filed with the City Clerk's Office. If additional time is needed for temporary boat storage in this particular area, or elsewhere in the ASMD District for that matter, the Applicant will have to apply for a new Special Permit with Site Plan Review-A

5. Functional Design: The project must meet "accepted standards and criteria for the functional design of facilities, structures, and site construction."

The newly configured boat storage area would meet the standards for a functional design. Traffic patterns will remain the same as the access for the proposed relocated, or reconfigured, boat storage area will be via the same route as access to the existing boat storage area. The existing 40 foot wide driveway easement will continue to be used to access the proposed boat storage area. A 30 foot wide boat storage access drive will provide access between the boat storage premises and a truck maneuvering area where the boats can be placed into or removed from the water. There will actually be fewer boats, about one half less, around 30 boats, stored in the proposed reconfigured storage area, compared to the number of boats currently being stored in the existing storage area. The vehicular parking situation at the Winter Hill Yacht Club will remain same.

6. Impact on Public Systems: The project 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."

The project will not generate any new sanitary sewer or storm drainage in the area and no new water supplies will be constructed. The proposed project will be replacing an existing boat storage area just a short distance away and will maintain a pervious surface which is the existing situation at the site.

7. Environmental Impacts: The project "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."

No adverse environmental impacts are anticipated from the proposed project. The proposed use is a relocation, or reconfiguration, of an existing use that is already occurring at the site. The project will not create any adverse impacts to waterways, groundwater, or stormwater runoff as the premises will remain a pervious surface as currently exists. Excessive noise, level of illumination, glare, dust, smoke, and vibration are not anticipated to be higher than levels now emitted.

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."

The proposal 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 maintain the uniquely integrated structure of uses in the City; to facilitate the adequate provision of transportation, water, sewerage, schools, parks and other public requirements; to conserve the value of land and buildings; to encourage the most appropriate use of land throughout the City; and to preserve and increase the amenities of the municipality."



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Findings under §6.4.9:

1. “Whether traffic impact and proposed mitigation, if any, is consistent with any applicable Transportation Study, Traffic Access and Impact Study and/or Transportation Demand Management Plan, and the goals and objectives of the ASD Plan.”

No new traffic impacts are anticipated from this proposal. Traffic patterns will remain the same as the access for the proposed relocated, or reconfigured, boat storage area will be via the same route as access to the existing boat storage area. The existing 40 foot wide driveway easement will continue to be used to access the proposed boat storage area. A 30 foot wide boat storage access drive will provide access between the boat storage premises and a truck maneuvering area where the boats can be placed into or removed from the water.

2. “Whether the application reflects an overall consistency with the intent and purpose of any applicable Design Guidelines set forth in this Section 6.4”

The proposed relocation of the boat storage area is consistent with the intent and purposes set forth in Section 6.4. The surface of the proposed storage area will remain pervious which is consistent with the existing site conditions and there are no structures being proposed as part of this project. The Winter Hill Yacht Club may potentially install a new type of pervious parking surface, new lighting, or additional fencing in the reconfigured boat storage area, and therefore the Board is recommending conditions to ensure that these potential site amenities will not have an adverse impact on the surrounding area. Furthermore, the proposed relocation, or reconfiguration, of the boat storage area is proposed to be temporary and therefore the Board is proposing a condition that would limit the life of this use to one (1) year from the time the decision is filed with the City Clerk’s Office. If additional time is needed for temporary boat storage in this particular area, or elsewhere in the ASMD District for that matter, the Applicant will have to apply for a new Special Permit with Site Plan Review–A.

3. “Whether, and the extent to which, if applicable, the application promotes the following objectives:”

a) “A mix of residential, office, research and development, retail, hotels, places of assembly and institutional uses;”

The Applicant is proposing to relocate a portion of the existing temporary dry boat storage area to create a newly configured dry boat storage area. This is a use that currently already exists out at the site. The boats being stored are those affiliated with the Winter Hill Yacht Club. No residential, office, research and development, retail, hotels, places of assembly or institutional uses are being proposed as part of this project. In fact, no structures are being proposed as part of this project. Two additional items should be noted here. The first is that this temporary relocation, or reconfiguration, of the existing boat storage area is necessary to accommodate project infrastructure and building construction for the mixed-use portion of the approved PUD Preliminary Master Plan (PUD PMP), which just this month received special permit approval. The second is that the proposed relocation, or reconfiguration, of the boat storage area is proposed to be temporary and therefore the Board is proposing a condition that would limit the life of this use to one (1) year from the time the decision is filed with the City Clerk’s Office. If additional time is needed for temporary boat storage in this particular area, or elsewhere in the ASMD District for that matter, the Applicant will have to apply for a new Special Permit with Site Plan Review–A.

b) “Economic benefits and employment opportunities;”

The proposed use will maintain the existing economic benefits and employment opportunities of the area. The proposed reconfiguration of the boat storage area will allow the use to continue to operate for at least another year.



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- c) “Structured parking as regulated under Section 9.15;”

The proposed use is simply reconfiguring the existing boat storage area that currently exists out at the site. There will actually be fewer boats, about one half less, around 30 boats, stored in the proposed reconfigured storage area, compared to the number of boats currently being stored in the existing storage area. The vehicular parking situation at the Winter Hill Yacht Club will remain same and no new structures are being proposed as part of this project.

- d) “Pedestrian and bicycle access;”

Pedestrian and bicycle access to and from the site will remain the same. The existing 40 foot wide driveway easement will continue to be used to access the proposed boat storage area. Since the storage area is already in operation and is merely being reconfigured, no changes in vehicular, cycle, or pedestrian circulation patterns are anticipated.

- e) “Affordable housing units and Project Mitigation Contribution as required in Articles 13 and 15;”

Neither the existing nor the proposed use configuration involves housing or structures of any kind.

- f) “View corridors to the Mystic River;”

The view corridors of the Mystic River will be preserved as the proposed project will not alter the views of the river in anyway. The Winter Hill Yacht Club may potentially install a new type of pervious parking surface, new lighting, or additional fencing in the reconfigured boat storage area, and therefore the Board is recommending conditions to ensure that these potential site amenities will not have an adverse impact on the surrounding area.

- g) “Enhanced and activated Open Space to offset any shadow impacts;”

The proposed use relocation, or reconfiguration, will not create or reduce any shadow impacts at the site. The proposed project will allow the existing recreational opportunities at the site to be maintained.

- h) “Creation of new Open Space or enhancement of existing Open Space;”

No new open space will be created as part of this project. The existing project site is an undeveloped brownfield and the reconfiguration of the existing boat storage use will accommodate project infrastructure and building construction for the mixed-use portion of the approved PUD Preliminary Master Plan (PUD PMP).

- i) “Whether any Development within one-quarter mile of the proposed MBTA Orange Line Station Entrance will support transit service at that location.”

No new development is proposed as part of this project. However, the relocation of the boat storage use will accommodate project infrastructure and building construction for the mixed-use portion of the approved PUD Preliminary Master Plan (PUD PMP) which will bring mixed-use development into the area adjacent to the proposed MBTA Orange Line Station Entrance.

4. The Board finds that the information provided by the Applicant “complies with the submission and information requirements listed herein and in Section 5.2.3.”

5. The Applicant must comply “with such criteria or standards as are set forth in this Ordinance applicable to the granting of the requested special permit with site plan review.”



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Please see Finding # 2 under the Findings under §5.2.5 section above.

6. “Will not create materially 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, and the sidewalks and footpaths for pedestrian traffic.”

The project will not generate any new sanitary sewer or stormwater drainage requirements. No new water supplies will be constructed and as the project is simply relocating an existing boat storage use already in the area, there will be no net impacts to recreational systems.

7. “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 should be removed from all roofs, canopies, and paved areas, and routed through well-engineered systems designed with appropriate stormwater management techniques. Skimming devices, oil and grease traps, and similar facilities at the collection or discharge points for paved surface shall be collected. In larger Developments, where practical, the routing of runoff through sheet flow, swales or other means increasing filtration and percolation is strongly encouraged. The SPGA may require independent peer review of a stormwater management plan by an accredited independent engineering firm.”

The proposed project will not create any adverse impacts to waterways, groundwater, or stormwater runoff as the proposed temporary boat storage area will consist of a pervious surface which is what currently exists at the site. The Winter Hill Yacht Club may potentially install a new type of pervious parking surface in the reconfigured boat storage area, and therefore the Board is recommending a condition to ensure that whatever surface is implemented that it will not have an adverse impact on the surrounding area.

8. “Provides easy access to Buildings, and the grounds adjoining them, for operations by fire, police, medical and other emergency personnel and equipment.”

No new traffic impacts are anticipated from this proposal. Traffic patterns will remain the same as the access for the proposed relocated, or reconfigured, boat storage area will be via the same route as access to the existing boat storage area. The existing 40 foot wide driveway easement will continue to be used to access the proposed boat storage area. A 30 foot wide boat storage access drive will provide access between the boat storage premises and a truck maneuvering area where the boats can be placed into or removed from the water.

9. “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.”

No new electric, telephone, cable TV or other such equipment is being proposed as part of the proposed project. The Winter Hill Yacht Club may potentially install new lighting in or around the reconfigured boat storage area, and therefore the Board is recommending a condition to ensure that this potential site amenity will not have an adverse impact on the surrounding area.

10. “The size, location, design, color texture, lighting and materials of all permanent signs and outdoor advertising structures or features shall reflect the scale and character of the proposed Buildings.”

The Applicant is not proposing any signage as part of the relocation, or reconfiguration, of the existing boat storage area. Any new signage in this area would need to be in conformance with Section 12 of the SZO.

11. “Exposed transformers and other machinery, storage, service and truck loading areas, dumpsters, utility buildings, and other similar structures shall be effectively screened by plantings and other screening methods so that they are not directly visible from either the proposed Development or surrounding properties.”



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The Applicant is not proposing to install any transformers, machinery, storage or loading areas, dumpsters, utility buildings, or any similar structures as part of the project.

12. “The shadow impacts of any proposed Buildings on public Open Space shall be mitigated such that the Development results in net benefits to the public space in terms of activation, enhanced quality and attractiveness, expanded use and public access.”

No structures are being proposed as part of the reconfigured boat storage area. The proposed use relocation, or reconfiguration, will not create or reduce any shadow impacts at the site. The proposed project will allow the existing recreational opportunities at the site to be maintained.

FINDINGS FOR SPECIAL PERMIT with SITE PLAN REVIEW–A under Subsection §6.4.7 and §6.4.8:

In order to grant a Special Permit with Site Plan Review–A, the SPGA must also make certain findings and determinations as outlined in §6.4.7 and §6.4.8 of the SZO. This section of the report goes through §6.4.7:

1. “Transportation Analysis: All new Developments shall conform to the requirements set forth in any Transportation Study, subject to the approval of the SPGA.”

No new traffic impacts are anticipated from this proposal. Traffic patterns will remain the same as the access for the proposed relocated, or reconfigured, boat storage area will be via the same route as access to the existing boat storage area. The existing 40 foot wide driveway easement will continue to be used to access the proposed boat storage area. A 30 foot wide boat storage access drive will provide access between the boat storage premises and a truck maneuvering area where the boats can be placed into or removed from the water.

2. “Parking Requirements: Developments shall meet the parking requirements set forth in Section 9.15.”

There will actually be fewer boats, about one half less, around 30 boats, stored in the proposed reconfigured storage area, compared to the number of boats currently being stored in the existing storage area. The vehicular parking situation at the Winter Hill Yacht Club will remain same.

3. “Landscaping Requirements: Developments shall conform to the applicable landscaping requirements set forth in Article 10. Open Spaces shall be contiguous to the extent practical, in the opinion of the SPGA.”

There is no landscaping proposed as part of the temporary boat storage relocation. However, the surface of the newly designated boat storage area will consist of the existing surface at the site, which is pervious. The Winter Hill Yacht Club may potentially install a new type of pervious parking surface in the reconfigured boat storage area, and therefore the Board is recommending a condition to ensure that whatever surface is implemented that it will not have an adverse impact on the surrounding area.

4. “Pedestrian Connections: Continuous pedestrian connections shall be supported between all major points of pedestrian activity on the Development Site, including, but not limited to, connections to the Mystic River waterfront, connections to all public and private ways abutting the Development Site, and any transit stops. Developments shall support improved access between the ASMD and the Ten Hills and East Broadway neighborhoods by means of sidewalk connections, crosswalks, landscaping, traffic signalization and traffic calming methods as appropriate.”

Pedestrian and bicycle access to and from the site will remain the same. The existing 40 foot wide driveway easement will continue to be used to access the proposed boat storage area. Since the storage area is already in operation and is merely being reconfigured, no changes in vehicular, cycle, or pedestrian circulation patterns are anticipated.



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5. “Street and Sidewalk Design: Street and sidewalk design shall be based on the Assembly Square Public Realm Design Guidelines and applicable engineering standards, provided that any street shown in such Guidelines as running through an existing Building is not required to be constructed until such Building is demolished.”

Street and sidewalk design to and from the site will remain the same. The existing 40 foot wide driveway easement will continue to be used to access the proposed boat storage area. Since the storage area is already in operation and is merely being reconfigured, no changes in vehicular, cycle, or pedestrian circulation patterns are anticipated.

6. “Building Design: Buildings shall be designed to the highest architectural standards and shall be site appropriately on the Lot.”

No building or structure is being proposed as part of this project.

7. “Parking Lot Design: Parking Lots shall avoid large expanses that are unbroken by Buildings or substantial landscaped Open Spaces, as set forth in Section 10.4 of the Ordinance.”

There will actually be fewer boats, about one half less, around 30 boats, stored in the proposed reconfigured storage area, compared to the number of boats currently being stored in the existing storage area. The vehicular parking situation at the Winter Hill Yacht Club will remain same.

8. “Open Space:”

No new open space will be created as part of this project. The existing project site is an undeveloped brownfield and the reconfiguration of the existing boat storage use will accommodate project infrastructure and building construction for the mixed-use portion of the approved PUD Preliminary Master Plan (PUD PMP).

9. “Efficiency of Design: Every effort shall be made to design Buildings and use materials and construction techniques to optimize daylight in building interiors, natural ventilation, energy efficiency, and to minimize exposure to and consumption of toxics and non-renewable resources and incorporate appropriate “green” design techniques. In accordance with this principle all Developments within the ASMD in excess of ten thousand (10,000) square feet shall be required to complete an Leadership in Energy & Environmental Design (LEED) worksheet and submit the worksheet to the SPGA with permit application materials. This worksheet shall be considered in evaluating whether a proposed Development meets the applicable standards set forth elsewhere in this Ordinance. However, consistency with the LEED standards shall not be a factor in whether or not to permit a Development.”

No building or structure is being proposed as part of this project. The existing pervious surface at the proposed reconfigured site will be maintained. The Winter Hill Yacht Club may potentially install a new type of pervious parking surface, new lighting, or additional fencing in the reconfigured boat storage area, and therefore the Board is recommending conditions to ensure that these potential site amenities will not have an adverse impact on the surrounding area.

10. “Contributions: Contributions for Infrastructure and Open Space related to a Development made by an Applicant to the City or its constituent agencies in other agreements or permits shall be credited by the SPGA toward any applicable requirements hereunder for a Special Permit.”

The Applicant is not proposing to make any contributions for infrastructure and open space as part of the relocation of the temporary boat storage area. The proposed relocation, or reconfiguration, of the boat storage area is proposed to be temporary and therefore the Board is proposing a condition that would limit the life of this use to one (1) year from the time the decision is filed with the City Clerk’s Office. If additional time is needed for temporary boat storage in this particular area, or elsewhere in the ASMD District for that matter, the Applicant will have to apply for a new Special Permit with Site Plan Review–A. The temporary relocation, or reconfiguration, of



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the existing boat storage area is necessary to accommodate project infrastructure and building construction for the mixed-use portion of the approved PUD Preliminary Master Plan (PUD PMP), which just this month received special permit approval.

11. “Loading Spaces: To the extent possible, Loading spaces shall be located away from major Public Ways, the Mystic River and other highly visible locations. Every effort shall be made to incorporate creative design to reduce the negative visual impacts of the Loading space.”

There will actually be fewer boats, about one half less, around 30 boats, stored in the proposed reconfigured storage area, compared to the number of boats currently being stored in the existing storage area. The vehicular parking situation at the Winter Hill Yacht Club will remain same. The proposed relocated boat storage area is not far from where it currently exists and would not greatly alter the existing situation at the site. The proposed relocation, or reconfiguration, of the boat storage area is proposed to be temporary and therefore the Board is proposing a condition that would limit the life of this use to one (1) year from the time the decision is filed with the City Clerk’s Office. This new, temporary, boat storage area is necessary to accommodate project infrastructure and building construction for the mixed-use portion of the approved PUD Preliminary Master Plan (PUD PMP), which just this month received special permit approval.

This section of the report speaks to §6.4.8:

No new traffic impacts are anticipated from this proposal. Traffic patterns will remain the same as the access for the proposed relocated, or reconfigured, boat storage area will be via the same route as access to the existing boat storage area. The existing 40 foot wide driveway easement will continue to be used to access the proposed boat storage area. A 30 foot wide boat storage access drive will provide access between the boat storage premises and a truck maneuvering area where the boats can be placed into or removed from the water. Additionally, no building or structure is being proposed as part of this project.

There is also no landscaping proposed as part of the temporary boat storage relocation. However, the surface of the newly designated boat storage area will consist of the existing surface at the site, which is pervious. The Winter Hill Yacht Club may potentially install a new type of pervious parking surface in the reconfigured boat storage area, and therefore the Board is recommending a condition to ensure that whatever surface is implemented that it will not have an adverse impact on the surrounding area. The Winter Hill Yacht Club may also potentially install lighting or additional fencing in the reconfigured boat storage area, and therefore the Board is also recommending conditions to ensure that these potential site amenities will not have an adverse impact on the surrounding area either. The proposed relocation, or reconfiguration, of the boat storage area is proposed to be temporary and therefore the Board is proposing a condition that would limit the life of this use to one (1) year from the time the decision is filed with the City Clerk’s Office. If additional time is needed for temporary boat storage in this particular area, or elsewhere in the ASMD District for that matter, the Applicant will have to apply for a new Special Permit with Site Plan Review–A. The temporary relocation, or reconfiguration, of the existing boat storage area is necessary to accommodate project infrastructure and building construction for the mixed-use portion of the approved PUD Preliminary Master Plan (PUD PMP), which just this month received special permit approval.

DECISION:

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



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#	Condition	Timeframe for Compliance	Verified (initial)	Notes										
1	<p>Approval is to relocate a 48,575 square foot area for dry boat storage. This approval is based upon the following application materials and the plans submitted by the Applicant:</p> <table border="1"> <thead> <tr> <th>Date (Stamp Date)</th> <th>Submission</th> </tr> </thead> <tbody> <tr> <td>(September 24, 2011)</td> <td>Initial application submitted to the City Clerk's Office</td> </tr> <tr> <td>January 31, 2011 (October 27, 2011)</td> <td>Assembly Square Planned Unit Development - Property Ownership Map</td> </tr> <tr> <td>September 16, 2011 (October 27, 2011)</td> <td>Site Plans (Cover Sheet and C-1 – C-5)</td> </tr> <tr> <td>February 1, 2006 (October 27, 2011)</td> <td>Existing Conditions Plan of Land (Sv-3 and Sv-4)</td> </tr> </tbody> </table> <p>Any changes to the approved site plan or use that are not <i>de minimis</i> must receive SPGA approval.</p>	Date (Stamp Date)	Submission	(September 24, 2011)	Initial application submitted to the City Clerk's Office	January 31, 2011 (October 27, 2011)	Assembly Square Planned Unit Development - Property Ownership Map	September 16, 2011 (October 27, 2011)	Site Plans (Cover Sheet and C-1 – C-5)	February 1, 2006 (October 27, 2011)	Existing Conditions Plan of Land (Sv-3 and Sv-4)	BP/CO	ISD/Plng.	
Date (Stamp Date)	Submission													
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September 16, 2011 (October 27, 2011)	Site Plans (Cover Sheet and C-1 – C-5)													
February 1, 2006 (October 27, 2011)	Existing Conditions Plan of Land (Sv-3 and Sv-4)													
2	The Applicant shall meet the Fire Prevention Bureau's requirements.	Final Sign Off	FP											
3	The dry boat storage use in this location shall only be permitted for one (1) year from the date this decision is filed with the City Clerk's Office. If the Applicant would like to extend the timeframe of this use in this location, or relocate the use to another location within the ASMD District, the Applicant must apply for another Special Permit with Site Plan Review-A.	One Year After Decision is Filed with the City Clerk's Office	Plng.											
4	The Applicant, its successors and/or assigns shall submit a plan and material samples for Planning Staff review and approval before any type of surface material change occurs at the site.	Prior to Installation	Plng.											
5	The Applicant, its successors and/or assigns shall submit a Lighting Plan for Planning Staff review and approval before any lighting is installed at the site.	Prior to Installation	Plng.											
6	The Applicant, its successors and/or assigns, shall be responsible for maintenance of all on-site amenities, including landscaping, fencing, lighting, parking areas and storm water systems, ensuring they are clean, well kept and in good and safe working order.	Cont.	ISD											
7	The Applicant shall contact Planning Staff at least five working days in advance of a request for a final inspection by Inspectional Services to ensure the proposal was constructed in accordance with the plans and information submitted and the conditions attached to this approval.	Final Sign Off	Plng.											

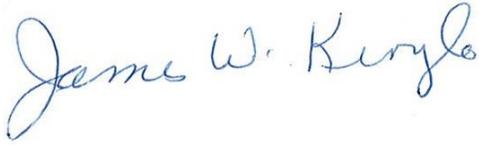


CITY HALL • 93 HIGHLAND AVENUE • SOMERVILLE, MASSACHUSETTS 02143
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www.somervillema.gov



Attest, by the Planning Board:



James Kirylo



Michael A. Capuano, Esq.



Elizabeth Moroney



Joseph Favaloro

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 _____



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