

65 Bow Street Development: Proposal for Support from Neighbors and Abutters

DRAFT as of May 30th, 2018

INTENT

This document is a draft of proposal elements which Newmarket Properties, a potential developer of 65 Bow St. (currently Liens Auto Repair), might agree to in order to gain written support from its abutters and immediate neighbors, as well as the USNC.

Specifically, this support would take the form of a letter of support to the Somerville Board of Aldermen (BOA) regarding Newmarket's request to the BOA to increase the building height allowed by zoning on this lot.

This document does not represent such a letter of support, nor does it represent an agreement of terms at this time. Any terms that are agreed to with Newmarket will be formalized in a legal document between the USNC, Newmarket, and other "interested parties" as defined in [Massachusetts General Law, Part I, Title VII, Chapter 40A, Section 11](#).

This is defined broadly as property owners within 300 feet of the property line, and more narrowly as abutters (including owners of land directly opposite on any public or private street or way), and abutters to the abutters. See Appendix 1 for a depiction of potentially impacted parcels.

DEFINITIONS

- **"The Property"** shall refer to two disparate parcels addressed as 65 Bow Street, Somerville MA, currently operating as Liens Auto Repair.
- **"Developer"** shall refer to Newmarket Properties, as well as any future person or entity which may acquire the property either to further development or to operate it as a residential and commercial landlord. Presuming that Newmarket Properties' requested zoning amendment progresses, the subsequent legal documentation of this proposal will be written in such a way as to bind to the property in perpetuity, transferring responsibilities in tandem with ownership.
- **"Abutters"** shall describe abutters to the property, including owners of land directly opposite on any public or private street or way, and abutters to the abutters. As currently calculated, this totals 26 parcels. (Refer to Appendix A.)
- **"Neighbors"** shall refer to all residents and owners of real estate property within 300 feet of the property line of the property, excluding the 26 abutters.

SECTION I: PRE-FILING NEIGHBORHOOD DESIGN REVIEW

Because the developer's proposed use is so dense compared to the footprint of the parcel, and because designs will involve competing tradeoffs and priorities, abutters and neighbors wish to have frequent and meaningful opportunities to review the building designs and engage in constructive dialogue with the developer.

The desire is to have this review well before any schematics become "baked into" planning and therefore difficult to change, and far in advance of Newmarket's Design Review hearings and other meetings with City bodies. Neighbors' review of plans cannot be cursory and must be able to have an impact, or else any support would be withdrawn.

- The developer shall consult with the Somerville Historic Preservation Commission (SHPC) to receive advice on how to be respectful of the existing architectural styles on Bow Street and shall share the feedback received with the abutters and neighbors through the notification process outlined below.
 - o This includes advice on how to incorporate the brick pavilion on the parcel that dates to its original automotive use as a filling station. Incorporating this as a design element is already a required under the developer according to the Demolition Review Ordinance.
 - o The process of satisfying the Demolition Review Ordinance does not make the property into a historically-designated property, but because the developer must already consult SHPC, they shall request a greater degree of input on building design than is required of them.
- The developer shall plan to fund multiple rounds of architectural design, including a minimum of three rounds of substantive changes.
- The developer shall hold a series of public meetings, three at a minimum, to allow abutters and neighbors to review and discuss designs and provide feedback. These shall occur prior to any filing of plans with the City of Somerville
- The developer shall provide notice via mail for each of the meetings, a minimum of 14 days in advance, to all property owners and residents within 300 feet of the property line.
- Prior to filing plans with the City, the developer shall send a mailer containing the plans to be filed to all abutters and make no fewer than 3 attempts to contact each individual abutter to obtain a signature of support or opposition, and shall not file plans with the City if fewer than 60% of contacted abutters support the plans in writing.

SECTION II: BUILDING MASS

The massing of the proposed building is a major concern to neighbors, and particularly abutters. The Gerrier Square Building is a sizable mass already, at four

stories with no setback on a relatively narrow street, and there is a strong desire to prevent a “canyon effect”.

- The developer shall limit the number of full floor-area stories to four.
- A “half story” may be explored if its massing is backloaded toward the Eversource property at the rear of the lot (a.k.a. “4 ½ stories”).

SECTION III: ENVIRONMENTAL REMEDIATION

The site of Liens Auto Repair has operated as a commercial property in support of automotive-related uses since the advent of the automobile. It was the first filling station in Somerville. This length of time is significant from a public health standpoint: lead was used extensively as a gasoline additive from 1920 until 1985 and its impact on neurological development is well-documented. This site operated for 65 years with lead as a commonly-used additive, and for only 34 years since then. Although a remediation was performed in the 1990s, converting this property to residential use demands rigorous retesting, as well as ongoing testing to ensure that any further remediation is performed adequately.

- The developer will remediate to the following environmental standards:
 - o <insert common remediation standard for lead>
 - o <insert common remediation standard for other environmental hazards from long-term automotive use, such as automotive spray paint, antifreeze, etc.>
- The developer will confirm sufficient remediation through the following tests and standards:
 - o <insert test and common definition of standards / threshold>
 - o <insert test and common definition of standards / threshold>
- The developer will re-affirm that environmental remediation standards continue to be met by performing the following annual tests:
 - o <insert soil test and common definition of standards / threshold>
 - o <insert in-unit residential test (if any) and common definition of standards / threshold>
- Testing will be performed by an independent body to be selected from among the following:
 - o <insert possible acceptable organizations, or other guidance>

SECTION IV: PARKING AND RESIDENTIAL AUTOMOTIVE USE

Abutters and neighbors wish to limit the amount of new automotive traffic to be generated by the residents of this development, given that it will be TOD (“Transit-Oriented Development”), while balancing this with acknowledgment of the need for a subset of tenants for car ownership, and limiting the impact of this need on the limited on-street parking available to other neighborhood residents as well as business customers.

- The City of Somerville shall, in agreement with the developer, disallow applications for on-street parking permits to residents of 65 Bow St.
- The developer shall not deed parking spaces to individual units.
- The developer shall be responsible for providing the opportunity to residents to lease spaces on a monthly or annual basis.
- The developer shall provide one off-street parking space available to lease for every 3 residential units.
 - o If on-premise, the neighbors and abutters will work with the developer to determine the best location through the pre-filing neighborhood design review process.
 - o If off-premise, all spaces must be located within ¼ mile of the property, and 5 minute parking loading / unloading space must be maintained and enforced on-site.
- The developer must provide a mechanism to support visitor parking, either through additional on-site or off-site space(s), to be leased and paid for by the developer and released to residents through a shared system / application process, or through on-street visitor parking permits provided by the City to the central office of the landlord or HOA, for access through a shared system / application process.
- The pricing mechanism for leased spaces may be determined by the developer, with the exception that spaces must be made available for lease to residents of affordable units at a reduced price, in a pricing ratio similar to that achieved for comparable residential units within the property.

SECTION V: GREEN SPACE

Green and open space is desperately needed in Union Square. While the nature of the lot and the developer’s desired use limits green space, there are a number of possibilities to be required:

- The developer shall plant a minimum of three trees along Bow Street, with a minimum trunk diameter of 9 inches at planting.
- The face of the building fronting Bow Street shall have a trellis or lattice network for ivy/vines sized so that, when fully grown, a minimum of 30% of the surface (including windows) of the frontage will be green.

- The developer shall devote 40% of the square footage of any rooftop surface to green use <insert definition>.
- The developer shall provide a payment of <\$x per sq ft.> to the Somerville Green Space fund.

SECTION VI: UNIT SIZE

Abutters and neighbors wish to see the developer offer a mix of unit sizes from studios to three bedrooms, and not focus on studios to the near-exclusion of other unit sizes.

- The developer shall maintain the following ratio each type of unit overall within the building:
 - o 2:1:1:1 (Studio:1BR:2BR:3BR)
- If the total number of units is not divisible by 6, the developer may choose the order in which to create additional units, although the second studio in a “set” must be last:
 - o E.g., a 21 unit building may offer: 9 studios, 4 1BRs, 4 2 BRs, 4 3BRs

SECTION VII: AFFORDABILITY

Although the developer will be bound by Somerville’s 20% inclusionary housing affordability standard, abutters and neighbors wish to see the developer go beyond this, in particular for the additional density of a “4 ½ stories”.

- If the developer pursues a fifth residential floor (per Section II, above), the developer shall provide an additional affordable unit in excess of its 20% criteria.
- If this unit is added, it shall be made available according to the inclusionary guidelines of <define program standard> at a level 120% AMI.
- If this unit is added, it shall be a three bedroom unit.

SECTION VIII: BIKE STORAGE

Consider the TOD nature of the building and the parking restrictions defined above, high-standard, easily used bike parking will be critical.

- The developer shall provide sheltered bike parking at street level, accessible via automatic door(s) in order to minimize the difficulty of storing bicycles.
- The developer shall provide 1 such spot for every studio, and 2 for each unit of all other sizes.

SECTION IX: PARKING DURING CONSTRUCTION

Because Bow St. is a commercial corridor and the local businesses rely on its on-street parking, it is important to mitigate impacts on parking during construction.

- For each on-street parking space impacted during construction, the developer shall engage a local property owner on Somerville Ave. to temporarily sublease one space, and shall provide signage to post such parking as “2 hour parking”.

65 Bow Street Development: Summary of Initial Meeting with Neighbors

April 25th, 2018 @ The Green Room (62 Bow St.)

INTENT

This document is a summary of the initial discussion held between members of the Union Square Neighborhood Council (“USNC”) and a self-volunteered group of immediate neighbors of 65 Bow St.

The outcomes of this discussion will be used to advance a conversation with Newmarket Properties, a potential developer of 65 Bow St. (currently Liens Auto Repair). The intent is to come to an agreement of terms that could earn Newmarket the support of its abutters and immediate neighbors, as well as the USNC.

Specifically, this would take the form of a letter of support to the Somerville Board of Aldermen (BOA) regarding Newmarket’s request to the BOA to increase the building height allowed by zoning on this lot.

This document does not represent such a letter of support, nor does it represent an agreement of terms at this time. Any terms that are agreed to with Newmarket will be formalized in a legal document between the USNC, Newmarket, and other “interested parties” as defined in [Massachusetts General Law, Part I, Title VII, Chapter 40A, Section 11](#).

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ATTENDANCE

There were 12 individuals present at the meeting:

- 2 members of the USNC Board (Erik Neu, Michele Hansen)
- 2 active members of the USNC (Aaron Weber, Rob Buchanan)
- 6 immediate neighbors (from the Gerrier Square Building, Bow St. Place, and 50 Bow St. (the old police station))
- 1 representative of Amazonia insurance
- 1 additional neighbor from Putnam Street

MAJOR AREAS OF CONCERN AND THOUGHTS ON MITIGATION

AREA 1: PARKING AND TRAFFIC

Overwhelmingly, the primary concern of the immediate neighbors was the issue of parking. While a common area of concern for residents across Somerville, the question of allowing for an additional story or two of residences at 65 Bow St. presents three specific, acute concerns for this stretch of Bow Street:

1. The Gerrier Square Building (the historic Drouet building/block, addressed as 58-66 Bow St. and 367-377 Somerville Ave.) is a four-story, 44-unit apartment building that has no off-street parking. This alone put extensive pressure on the permitted on-street parking in the area.
2. Bow St. is a commercial district, meaning that residents are also competing with business customers for the limited permitted on-street spaces. The local businesses are reliant on the availability of the same parking.
3. Bow Street Place is a private way, yet non-residents frequently park there illegally. Because it is not a public road, the residents of these homes must engage with a private towing company to address the issue. Any solution that tries to limit on-street permits is likely to impact Bow Street Place disproportionately by making parking on Bow St. or Somerville Ave. equally as illegal as parking on Bow Street Place already is, lowering the barrier to park on Bow Street Place.

In addition to concerns over the availability of on-street spaces, there was a concern simply over adding more cars to an already heavily-trafficked street. Therefore, the preferred first mitigation is to discourage residents of 65 Bow St. from owning cars.

However, the group acknowledge that some residents will be reliant on car ownership such as the elderly, disabled, and those with children. The wish is therefore for 65 Bow St. to offer some off-street parking to residents. The group did agree that the need for a car in a TOD district such as this is dynamic as individuals and families move through various stages of life, and that permanently including a parking spot within the deed to a condominium would unnecessarily encourage car ownership/use in cases where residents might not otherwise choose to own a car.

The following solutions were discussed, and generally agreed to in combination, at a high level. Additional questions are detailed below each bullet.

- City of to disallow applications for on-street parking permits to residents of 65 Bow St.
 - o *Question: Should this be limited to resident stickers, or visitor passes as well?*
- Newmarket to provide limited off-street parking, perhaps one space on-premise for every 3 units
 - o *Question: is this the right ratio?*

- Make these spaces available to all residents, not deeded to specific units
 - o *Question: Manage demand via annual leases for parking spaces?*
 - o *Question: How to ensure annual renewals respond to changing needs: auctions?*
 - o *Question: Thoughts on how to incorporate the needs of the affordable units?*

Underground parking was also discussed, although if the number of spaces is restricted, this becomes a less cost-effective solution. There was a general desire to see other mitigations and/or amenities rather than insist on underground parking, as well as a concern over draining issues that it could cause.

Ground-level parking underneath the building may restrict the size of the first-floor commercial units, so the details of the design are important. The location of the parking within the building may be impacted by the location of existing curb cuts, because TOD buildings are not allowed to install new curb cuts.

Another solution that the group liked is to prohibit on-street parking permits while making off-site parking available to rent by tenants, within a reasonable distance. This relies, however, on a capability for “unloading” parking that prevents double-parking on Bow St. Relying on external parties to provide for parking in perpetuity is also a risky scenario, particularly given the likelihood of real estate sales and future construction changing the landscape of this area over the next decade.

AREA 2: BUILDING MASSING

The second major area of concern is the massing of the buildings. Attendees did not wish to see a “canyon effect” on Bow St. The Gerrier Square Building is a sizable mass already, at four stories with no setback on a relatively narrow street.

Overwhelmingly, the group felt that any design must be sensitive to Bow Street’s current architecture by setting back the upper floor(s), particularly any 5th floor. It was favored that the 4th and/or 5th story have their massing backloaded toward the Eversource property at the rear of the lot. One neighbor expressed this as allowing for a maximum of “four and a half stories”.

This viewpoint was expressed by a number of residents of the Gerrier Square Building, who shared that the units tend to feel compact, and this is offset by the view across Bow St.

As long as the massing is distributed in a sensitive way, most attendees of the meeting seemed ambivalent about the building being 5 stories vs. 4. “Five floors that work” seemed preferred to “four that don’t”.

AREA 3: DESIGN REVIEW

Because of the concerns regarding building massing and design, as well as concerns over how the incorporation of parking may impact the ground floor uses, the group wished to have frequent and meaningful opportunities to review the building designs. The desire is to have this review well before any schematics become “baked into” planning and therefore difficult to change, and far in advance of Newmarket’s Design Review hearings and other meetings with City bodies. The feeling was that neighbors’ review of plans cannot be cursory and must be able to have an impact, or else any support would be withdrawn.

AREA 4: GREEN SPACE

Everyone in attendance would like to see green space incorporated, at a minimum, more trees than are provided in the existing massing illustrations. However, all participants were uncertain about where this could be accommodated.

Question: do we have any creative ideas for green and open space?

AREA 5: PARKING DURING CONSTRUCTION

The representative from Amazonia Insurance expressed that the business is concerned with the impact of construction on parking availability.

Newmarket must engage local property owners with large lots, particularly those along the south side of Somerville Ave. (e.g., Bull McCabe's, J.J. Sullivan), to temporarily sublease spaces to offset any loss of on-street parking caused by construction.

AREA 6: UNIT SIZE

The wishes of the group can be summarized best in two words: "not studios". Most in attendance voiced a desire for a mix of unit sizes from one to three bedrooms, and that the affordable units available also include larger units to accommodate families.

AREA 7: RENTALS VS CONDOS

There was not a strong opinion expressed on the nature of the unit ownership.

AREA 8: HISTORIC PRESERVATION

Most in attendance want Newmarket to incorporate the historic brick gas station pavilion into its designs, as they do in the sketch provided. However, it was also noted that this is required of them already by the Somerville Historic Preservation Commission (SHPC), unless they wish to trigger the Demolition Review Ordinance. The pavilion can be moved to another location on Bow St., but according to SHPC, it cannot be moved off of Bow St., which all but eliminates this possibility.

AREA 9: BIKE STORAGE

Although not discussed, one participant emailed after the meeting to raise the issue of sheltered bike parking / storage, requesting that it be provided with convenient exterior access rather than as an afterthought, down in a basement, through multiple interior doors. Both interior bicycle storage and convenient access to that

storage will make biking a more attractive option, reducing the demand for car trips and even ownership.

Appendix 1: Annotated Assessor's Map, Parcel Map 63, with Overlays

- The lot in question (65 Bow St. / Liens Auto Repair) is shaded in **red**.
- A rough estimate of 300 feet from the property line is depicted by the **red circle**.
- Abutting properties (including owners of land directly opposite on any public street or way) are shaded in **blue**.
- Abutters to the abutters are shaded in **green**.

