

Madalyn Letellier

From: Alyson Schultz <[REDACTED]>
Sent: Wednesday, July 10, 2024 4:39 PM
To: Public Comments
Cc: Sarah Lewis; JT Scott
Subject: Comments on Brickbottom IPOD

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I have lived in Somerville for 37 years and have attended a wide variety of neighborhood meetings, particularly over the last 5 years. I am a founding member/developer of the Brickbottom Artist Building, a practicing visual artist with a motion graphics business in my live/work space at 1 Fitchburg St. C209 and a painting studio in the Roger's Foam building at 6 Vernon Street.

After hearing the comments last night and participating myself, I want to voice my support for the IPOD as written by the Planning Board, with the designated Mid-Rise 4 and Fab districts. I strongly believe that the IPOD would allow a better chance of achieving some of the aspirational goals of the proposed Brickbottom Small Area Plan that was presented on July 8th. Since there is a desire both by the city and the community for balance in this small area plan, with it's vision of high density housing adjacent to the train station, a lively mix of commercial, Fab, open and civic spaces, implementing the IPOD would allow a careful consideration of potential development that more closely matches the hoped-for-future. It wouldn't restrict North River, the developer of the just completed Mid-Rise 4 research building at 100 Chestnut, with their upcoming projects in the pipeline for 200 Chestnut and 86 Joy Street. But it could help retain the narrow lots at the top of Joy Street for eventual high density housing.

The current situation with the city's pump station construction, including this summer's closures of Poplar, Linwood and Joy Streets, add to the already difficult access and egress of our neighborhood. I believe that the future development needs to be very carefully crafted so this small neighborhood doesn't become gridlocked. We need to insure that development is coordinated not only the BB Small Plan Zoning that has been in the works, but also with the eventual McGrath Boulevard, which proposes major changes to our connectivity with other parts of the city,

Anything that could abet realizing even part of the City's visionary plan should be used as a strategic tool — and that is what this IPOD does.

Thank you,

Alyson Schultz

PS. I'd like to rebut the commenter who felt that the arts shouldn't be part of the zoning equation. Instead of being a no-talent, spray-paint welding wastrel, I am highly educated, with a MFA degree from the

Boston Museum School/Tufts University, have crafted art and motion graphics for wide variety of corporations and non profits — IBM, Harvard University and MIT, Marriott International, CareQuest, etc. My paintings are included in the DeCordova Corporate collection. Even an artist who has achieved success in their field struggles to find and afford adequate studio space. In addition, I know many artists, particularly those entering the field, who are unable to maintain a foothold here in Somerville. I feel lucky to have been able to develop and own a live-work space in the 80's — big enough to maintain a studio practice while raising two children. Today, that is ever increasingly impossible, and I support city initiatives to help maintain the creative spark that can drive a creative economy as being core to the spirit of what makes Somerville a great city.

ALYSON SCHULTZ <design works> | 1 Fitchburg St. C209 Somerville MA 02143 | [REDACTED]
[REDACTED]

Madalyn Letellier

From: [REDACTED]
Sent: Wednesday, July 24, 2024 4:47 PM
To: Public Comments; Planning1; OSPCD
Cc: Matthew McLaughlin; Lance Davis; Ben Ewen-Campen; [REDACTED]; Jake Wilson; JT Scott; Sarah Lewis
Subject: Re: Brickbottom rezoning IPOD #24-0551 second comentary
Attachments: BrickBottom IPOD memo no 2 Valletta.docx

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Council Land Use Committee members
Planning Board
OSPCD

Please find below the a second memo that I am submitting as citizen comment in opposition to the proposed rezoning -- Interim Planning Overlay District for Brick bottom, which was heard on 9 July 2024.

Thanks for your attention.

Bill Valletta (Brickbottom resident -- urban planner)

Memorandum

To: Somerville City Council Land Use Committee, Planning Board, OSPCD Planning and Zoning staff

Cc: Council member JT Scott, Council member Wilfred Mbah, Council member Kristen Strezzo

From: William Valletta (Brickbottom resident)

Date: 23 July 2024

Subject: Proposed Brickbottom Zone Interim Planning Overlay District -- #24-0551

This Memorandum is a follow up to the Commentary on this item, which I submitted to the City Council and Planning Board for the hearing on 9 July 2024. That memorandum discussed a series of problems with the IPOD mechanism and with its application to the Brickbottom zone. In it, I made reference to the past use of IPOD’s in zoning practice around the Boston region, arguing that that they were different from the Brickbottom proposal in scale and details of regulation. I predicted that this new proposed IPOD would be ineffective when applied to the tiny geographic zone of Brickbottom, where the prior ten-years of planning process have not yet yielded an agreed-upon plan.

In response to my submission, the OSPCD staff planners mentioned at the hearing that Somerville itself had created an Interim Plan District (IPD) overlay, for Assembly Square, which was in force for two years – March 2001 to March 2003. They gave no further information about how this earlier IPD worked, whether it proved successful, or whether the experience was relevant to Brickbottom today.

In order to fill out the record, therefore, I am submitting this Memorandum, which presents the details of the Assembly Square IPD and compares its text and practical results to the proposed Brickbottom text. What the analyses reveal are sharp differences between the two, which highlight and confirm the problems that I have warned about.

Table 1: Comparison of pertinent conditions of Assembly Square district in 2001-2003 with Brickbottom in 2024

Assembly Square zone (2001-2003)	Brickbottom zone (2024)
Geographic area: 165 acres	Geographic area: 22 acres of which 18 acres of potential redevelopment (4 and a half blocks)
Anticipated potential build out: 6.1 million ft2	Anticipated potential build out: 1 million ft2
Prior planning and city actions:	Prior planning and city actions:
--Assembly Square Revitalization Plan (Urban Renewal) adopted by Redevelopment Authority (1980); --Assembly Square Planning Study (2000); --Major Amendment to the Revitalization Plan, adopted by Planning Board, June 2002; by Redevelopment Authority and Board of Aldermen, (Sept. 2002) and by Mass. Department of Housing and Community Development (Oct. 2002); --Assembly Sq. Unifying Design Guidelines for Public Realm (March 2002); --Board of Aldermen authorization of eminent domain	--10 draft “vision” and technical plans of which none have reached completion or approval by the Planning Board or City Council

This Table shows the significant differences in scale of the two zones and in the status of the previous plans and studies on which the determinations of consistency of any project proposals were to be judged.

Table 2: Comparison of the old IPD and new IPOD texts – Applicability

Zoning Ordinance (2001-2003)	Proposed zoning amendment (2024)
Sec. 6.4.2 Assembly Square Interim Planning District	Sec. 8.5.2 Brickbottom IPOD
Application: The ASIPD is an overlay district that includes all parcels of land ... [A]ll new construction in the ASIPD is subject to this Section 6.4 in addition to the sections addressing the underlying zoning	b. The provisions of each IPOD sub-area are applicable to real property as shown on the maps for each sub area
Projects governed by Sections 4.4, 4.4.2, 4.5.1, and 4.5.3 that do not involve new construction are exempt from Section 6.4 <i>Note: the mentioned sections 4 and 5 involve reconstruction and alterations to non-complying buildings and changes of nonconforming uses</i>	
6.4.3 All large developments – over 50,000 ft ² – must be part of an approved Planned Unit Development	
6.4.5 ... prohibited use of retail over 100,000 ft ² (<i>big box retail</i>)	
	c. The provisions of this section are only applicable to real property for the period of time established for each sub-area
	d. The provisions of this section supplement or supersede the provisions of the district on which it is superimposed. ... Where the provisions of this section conflict with those found elsewhere in this ordinance, the provisions of this section apply
6.4.6.3: Criteria for review of ASIPD special permits:	8.5.4(d)(iv) Development review:
In reviewing an application for an IPD special permit the reviewing board will evie the proposed development for its consistency with the Assembly Square Planning Study. The review will include, but not be limited to, evaluating consistency with the following:	In addition to the review criteria for all Special Permits ... the review board shall not issue a Special Permit unless it can make findings considering the following:
a—design controls ... b—transportation mitigation, following the Assembly Square Transportation Plan; c—Accessibility to the district including non-motorized transportation; d—open space e—relation to the river... f—phasing of higher density development projects; g—the optimal mix of uses; h—general intent	A- Streetscape and block design is consistent with the publicly released draft BB Neighborhood Plan B- Density and height are consistent with the publicly released draft BB Neighborhood Plan C- Building design is consistent with the BB neighborhood character, as described in the publicly released draft BB Neighborhood Plan D- Site and building design, principal uses, and mobility programming prioritize pedestrian and bicycle use; E- Activated ground floor uses are prioritized; F- Site design prioritizes civic space and public art consistent with the publicly released draft BB Neighborhood Plan; G- Site and building design demonstrate best practices in sustainable development, storm water, flooding, energy, pollinator habitat and heat island.
	8.5.4(f)(iv): Use provisions
	In addition to the review criteria for all Special Permits ... the review board shall not issue a Special Permit unless it can make findings considering the following:
	A-The mix of uses is consistent with the publicly released draft BB Neighborhood Plan, prioritizing Arts and Creative principal uses; B-The proposed principal use is not auto-oriented; C-Activated ground floor uses are prioritized' D-Ground story uses facilitate a diverse blend of commercial uses within the neighborhood; E- The local thoroughfare network providing access to the site has sufficient capacity and impacts on pedestrian, bicycle, and vehicular traffic and circulation patterns in the neighborhood are mitigated; F- Methods or techniques for noise mitigation limit noise for other users of the building and abutting properties.

	8.5.4(g)(iii): C-In addition to the review criteria for all special permits... the review board shall not issue a special permit unless it can make findings considering the following: a. The alteration will reduce the auto-oriented nature of the use and The alteration will reduce traffic and positively impact pedestrian, bicycle and vehicular circulation patterns...
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When the ASIPD was adopted there were in place an elaborate set of Design Guidelines for the Assembly Square zone as well as an approved Redevelopment Plan and PMP-PUD. The new zoning also added the requirement that all discretionary actions would be subject to review by the Assembly Square Design Review Committee. Therefore, the criteria were stated fairly simply and in a way that directed the Planning Board and Design Review to these established documents for the required consistency decisions.

By contrast, for Brickbottom, the text contains the layered lists of criteria, including the cited paragraphs of Section 8.5.4, in addition to the lists in Section 15.2.1 and 15.2.2 (which cover all Special Permits). Presumably, all of this jargon-laden detail is necessary because the zone does not have any completed plans or regulatory guideline documents. Words and phrases like “prioritize” and “demonstrate best practices” are used to indicate what the board members are supposed to be looking for; but these words leave it to their wide discretion.

What evidence will they require applicants for special permits to submit that will show the “prioritization” of pedestrians and bicycles? If Eversource needs to expand its repair/emergency depot operations and seeks a special permit, will it be required to submit evidence that its repair and emergency crews can, or will be unable to, ride the T or go on bicycles to respond to a transformer blow-out in Kendall Square?

Will they require the city staff or the applicant’s consultants to supply the explanations of best practices in sustainable design, or will they know it when they see it?

Exemptions of the application of the overlay rules and Special Permit requirements for exempted projects and existing non-complying uses

A final significant difference in the texts involves the issue of the treatment of proposed changes to existing uses and buildings that are permitted by the base zoning and would have non-conforming or non-complying status. The text of the draft BrickBottom IPOD has been re-written after its original posting, in response to criticism.

Assembly Square (2001 text)	Brickbottom (June 2024 text)
Sec. 6.4.2	8.5.
Projects governed by Sections 4.4, 4.4.2, 4.5.1, and 4.5.3 that do not involve new construction are exempt from Section 6.4	h. Nonconformance i. Ordinary repair and maintenance: (a) Normal maintenance of a non-conforming structure is permitted ii. Nonconforming structures: Modifications: Any modification to an existing principal or accessory building type that is not one of the building types permitted in the BB Sub area is prohibited except as follows (a) modifications to a nonconforming principal or accessory building type used for religious or educational activities.

	<p>Any modification to an existing principal building that is nonconforming is prohibited except as follows (a) any zoning sign is permitted as of right, and (b) any nonconforming building component permitted in the same zoning district may be added to a nonconforming principal building by Special Permit.</p> <p>Special permits</p> <p>In addition to the review criteria for all special permits in 15.2.1e, the review board shall not issue a special permit authorizing a conforming building component on a nonconforming principal building unless it can make findings considering the following: (a) the proposed alteration is consistent with the publicly released draft Brickbottom Neighborhood Plan</p> <p>(b) the design supports the activation of the ground floor and prioritizes pedestrian Activity</p> <p>iii. Nonconforming uses (a nonconforming use may not change to another nonconforming use</p> <p>(b) alterations</p> <p>1. the alteration of a nonconforming use within a structure is not permitted except for the following circumstances, under which an alteration may be permitted by Special Permit (a) reduction in gross floor area</p> <p>(b) a 25% reduction in the number of automobile trips generated by the use</p> <p>(c) Special Permits: In addition to the review criterial for all special permits ... the review board shall ... make findings considering the following:</p> <p>(a) the alteration will reduce the auto-oriented nature of the use</p> <p>(b) the alteration will reduce traffic and positively impact pedestrian, bicycle and vehicular circulation patterns in the neighborhood.</p>
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Under the former zoning in 2001, any existing building or use that would become nonconforming or non-complying by the IPD, would be subject to the regular rules (in Sections 4.4 and 4.5). Under the new BB IPOD in 2024, any modification of a non-conforming building would be prohibited, except for the change of a sign or the addition to the building of a “building component permitted in the same zone...” which would have to be granted under a special permit, meeting the criteria in all the lists, shown above.

Summary of the differences in the IPD (2002) text and the IPOD (2024) text

- First, the ASIPD was a true overlay district that kept in place the underlying base regulations that defined categories of use “by right” and other dimensional standards that were not erased.
- Second, the existing status – by right or special permit – of uses, building types and building dimensions in the zone remained the same for all, except two specific categories: (i) large developments – over 50,000 ft² – that were mandated to be under a PUD and (ii) big box retail stores -- over 100,000 ft² – that were prohibited.
- Third, the ASIPD stated clearly that the existing rules and process for changes in nonconforming uses and non-complying buildings were still to apply with change.
- Fourth, ASIPD stated the “criteria” for consideration of the interim planning special permit in fairly specific terms and making reference to already-adopted studies and plans.

This would have the practical effect of disciplining the board reviews and public process, without veering off into irrelevant and biased decision-making.

- Fourth, the ASIPD had a specific sunset date of two years following the adoption date.

The ASIPD therefore, avoided the legal infirmity and practical ineffectiveness of the proposed Brickbottom IPOD, which will wipe out all by right uses, building types and dimensional requirements. Once the existing uses and buildings have become non-conforming and non-complying, any necessary changes to keep up with new technologies or to improve building designs or functions will become subject to the open-ended process and to the vaguely-worded, repetitive nonsense of the special permit “criteria.”

What was the practical outcome of the Assembly Square IPD?

A review of the archives of Planning Board, the ZBA and the City Council committees during the years 2001, 2002 and 2003, reveals that the ASIPD was only a small part of a complex legal, political and planning/redevelopment process. Just as a coalition of city leaders, professional planners, advocates and citizens were engaged in defining a smart growth, transit-oriented future plan, investors and landowners were presenting proposals to expand and develop more “big-box” retail activities in the zone. Other city leaders, who did not want to lose the immediate opportunities for investment and added tax revenues, hoped to try to use the zoning to join both the short term retail with longer-term mixed use office and residential developments

The IPD was thus intended to be a mechanism that would (a) buy time for additional planning without imposing a blanket moratorium, which the courts might overturn, and (b) allow some retail developer applications to go forward, using the special permit as the way to shape their project designs and functions and impose conditions and mitigations to achieve the future planning goals.

In fact, two project applications for IPD special permits were filed and acted upon by the Planning Board and ZBA:

1. 74 and 100 Foley Street – This was the IKEA development project that was a combined PUD-PMP special permit with the ASIPD special permit and other approvals. It proposed the big box IKEA retail store with 277,000 ft² along with two office buildings of 87,000 ft² and 119,000 ft², and 800 parking spaces.
2. 85 Foley Street – this was a proposal to expand the existing taxi cab garage and dispatch office, which required ZBA variances and the ASIPD special permit from the Planning Board.

Both applications were filed in late summer of 2002, and both were the subject of public hearings and board review meetings during the fall and winter. The 85 Foley Street application was denied by the Planning Board on 13 November 2002. The PUD and ASIPD special permits for 74 and 100 Foley Street were granted on 20 February 2003.

In the political and planning context of 2002, the denial of taxi cab garage expansion appeared to be a positive outcome that helped to shape the subsequent actions. It reinforced the

process of redevelopment authority planning and prevented the cab company owner from investing more in the property – which would have raised the eminent domain price, when the land was subsequently taken.

The grant of the IKEA special permit was not a satisfactory outcome from the “smart growth” point of view because it did allow a very large “big box.” However, it was viewed as compromise by city leaders because it linked this big box as a first phase with a second phase of two office buildings in a mixed-use configuration. Subsequently, the phase one IKEA project was not built and the land was transferred to other developers, who were able to realize the Partners development, 12 years later.

Looking back, the IPD may be judged as strategically successful, having bought time the smart growth planning and advocacy to proceed. But from the point of view of substantive content, neither of the Planning Board and ZBA decisions on the IPD special permits had any relevance in guiding the later Assembly Square redevelopment plans or zoning regulations.

The Brickbottom IPOD will similarly prove to be irrelevant. No one expects its interim pattern of MR-4 and Fab regulations to be the final zoning. Any application of the elaborate “criteria” or deliberations by the Planning Board or ZBA on the meaning of the draft Brickbottom plans will have no significance when the final plan and new zoning is put into place.

Madalyn Letellier

From: Douglas Gensler [REDACTED]
Sent: Thursday, August 1, 2024 11:53 AM
To: Public Comments
Cc: Sarah Lewis; Thomas Galligani; Daniel Bartman; Chris Pachios; Schultz, Jennifer
Subject: NRL - Comment Letter to draft Neighborhood Plan
Attachments: Brickbottom Neighborhood Plan - Comment Letter (North River) - 8.1.24 - Submitted.docx

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The attached "Comment Letter" by North River Leerink is provided to the City of Somerville in response to our review of the "draft" Brickbottom Neighborhood Plan.

Douglas Gensler
Director
North River Company
[REDACTED]

North River Leerink
Owner of 100-200 Chestnut Street & 86 Joy Street

August 1, 2024

City of Somerville Planning Board

93 Highland Avenue

Somerville, MA 02143

Attn: [REDACTED]

cc: [REDACTED]

Re: Brickbottom Neighborhood Plan, Comment on Public Draft July 2024

Members of the Planning Board:

We are providing this comment letter in response to the recently published Brickbottom Neighborhood Plan, Public Draft: July 2024 (the “[Neighborhood Plan](#)”). In short, while this plan outlines highly compelling policy for the Brickbottom neighborhood, in order to ensure this plan comes to fruition – and the envisioned civic spaces, artist spaces, affordable housing, new street network, and associated amenities and activated streetscapes are actually built – we respectfully submit the following comments:

- **As-of-Right Development of Lab Space:** The Neighborhood Plan calls for requiring special permits for Laboratory and Research & Development uses in Brickbottom, which is extremely problematic for the overall successful build-out of Brickbottom. It is not an understatement to say that one of the main drivers of new commercial development and employment in the Boston area, even in the current real estate climate, is lab space. Clearly recognizing this, the Neighborhood Plan calls for a “collaboration between arts and science.” Brickbottom will become an economic center and employment driver for the City *only* if it can successfully create space for Lab and R&D uses. Nevertheless, adding a barrier to Lab and R&D use by requiring a special permit within zoning that, we presume, would be allowed as-of-right within such a zoning district anywhere else in the City would cripple the redevelopment of Brickbottom, and would cut against the neighborhood plan goal of fostering economic development.
- **Goals for Residential Development, Not Requirements:** The Neighborhood Plan includes a short-term action that would require the total floor area of new development to be at least 40% residential, which if taken literally would – in practice – mean that essentially only residential development would be allowed within the Brickbottom. As noted above, the only feasible large-scale revenue-generating commercial development is Lab and R&D, and Lab and R&D are not compatible with residential use within the same building. No other district or overlay zoning in the Somerville requires a minimum amount of residential development, and we urge the Planning Board to ensure the Brickbottom Neighborhood Plan does not either. The Neighborhood Plan already calls for certain areas to be Commercial Use, and these areas should be allowed to have as-

of-right commercial development without the need for an extremely burdensome variance that this type of provision would likely require.

- **Density as the Driver for Public Benefits:** The Neighborhood Plan calls for robust public benefits that require significant capital expenditures by new development – i.e., 20% Civic Space, 20% Arts & Creative Enterprise space, relocation of existing artist spaces, etc. – which sets the stage for what could be the most ambitious set of public benefits required by zoning for new development in any district in the City, let alone the Commonwealth. To provide these benefits, development must clearly allow *significant height* and *density* in order to offset these capital-heavy and revenue-losing public benefits with revenue-generating spaces. Otherwise, the Neighborhood Plan will not be realized because development will be too risky and costly to put forward. Therefore, while the Neighborhood Plan currently remains largely silent on building height and density, in order to accurately capture the development objectives and future of Brickbottom, it should be amended to include reference to significant density and height as part of its intended objective.
- **Incentives for Arts & Creative Enterprise (“ACE”) Space:** The Neighborhood Plan at Section 4.3 calls for at least 20% of commercial space to be required, or incentivized, as ACE space, which is at least 2 times greater than the next closest ACE requirement in the Somerville Zoning Ordinance for the Boynton Yards Master Planned Development district, and 4 times greater than the typical minimum requirement of 5%. *Page 67; See SZO (Boynton Yards MPD requires 10%, while any other remaining minimum requirement in the SZO – MR5, MR6, HR, FAB, CC, CB, and Union Square MPD - requires 5%).* Providing much-needed creative space within Brickbottom is essential to retaining its vibrant and unique character, but we note that even in Boynton Yards almost the entire district is zoned HR with no height requirements to allow for needed density to offset even the heavy investment required for just 10% ACE space. Rather than seek to require 20% ACE space, we would request consideration of an amended reference to incentivizing creation of any ACE space *above* a required 5% and further study of how zoning could be used to allow for the clustering of ACE space, such that the City and developers could work together to focus ACE space within the most suitable developments within the Brickbottom Neighborhood rather than create a blanket requirement across the district.
- **Relocation of Existing Artist Space:** Section 3.3 of the Neighborhood Plan discusses the importance of supporting existing and new arts businesses, which is widely recognized as an important goal for retaining Brickbottom’s unique character. However, any City Planning document should be mindful not to interfere with the private relationships between landowners, and landlords and tenants; Massachusetts law strictly forbids zoning to interfere with these private rights. Instead, setting goals for relocating existing artist space in affordable new spaces should be the focus of the Neighborhood Plan, and we hope this section will be revised accordingly.

- **Set Loading Requirements Through Site Plan Review:** The Design Recommendations on page 74 of the plan state that loading and servicing would be prohibited from being on the same façade as the building’s primary entrance, which while well-intentioned, creates conflicting design guidance that is better left to being worked-through in the Site Plan Approval Process on a case-by-case basis. *Item #20*. In addition to prohibiting loading along the primary entrance, the Design Recommendations also state that the primary entrance should be along the direction “most people might use when walking” to the site, and that the building massing should be more prominent at the primary entrance. *Items #5-6*. Unfortunately, approximately one third of the development sites in Brickbottom front only one street because they back up against the Green Line Extension tracks, and therefore, have only one street frontage. This loading prohibition, along with the massing recommendations, set up a veritable Scylla and Charybdis choice whereby new development along the tracks would have to place their loading on Chestnut/Joy Street and turn their front entrances *away* from the main areas of access along the street, or put loading along brand-new narrow civic spaces. In truth, these sites would likely best be served by having both loading and primary entrances off of Chestnut/Joy Street, and the robust Master Plan Special Permit and Site Plan Approval process can ensure that any pedestrian, street activation, and public space concerns can be well reviewed and resolved at this stage of the process.
- **Incentivizing Parking Reduction:** The Mobility section notes at Section 4.4 that a parking cap must be determined and regulated districtwide. *Page 79*. Vehicular traffic, gridlock, and the accompanying environmental impacts of cars remains an important item for public review and discussion as part of the Brickbottom rezoning effort to ensure proper levels of parking. Moreover, no developer *wants* to build parking; rather, it is a necessary cost to attract tenants. That said, Somerville is competing with a number of other Boston-adjacent communities for a limited pool of Lab and R&D users – who carry with them great job opportunities for persons with all levels of education – and Lab and R&D users have parking needs that often clash with the low parking ratios set by recent communities around Boston. Echoing a theme across this comment letter, we request that instead of using the Neighborhood Plan – and thereafter zoning – to set onerous requirements on all developments alike, using a more comprehensive and nuanced approach that leans more heavily on incentivizing parking reduction rather than mandating it, would allow Somerville to maintain its position as a desirable destination for Lab and R&D use, rather than see it lose out to other nearby municipalities.

As always, we look forward to working with the City to move forward together on a vision for Brickbottom that ensures the implementation of the strategic goals that will foster continued success of this important area of Somerville.

Sincerely,

North River Leerink

Madalyn Letellier

From: Ken McClure [REDACTED]
Sent: Friday, August 9, 2024 9:50 AM
To: Public Comments
Cc: Thomas Galligani; Sarah Lewis; Daniel Bartman; Schultz, Jennifer; Dustin J. DeNunzio
Subject: 24-48 Joy Street Public Comment Letter regarding Brickbottom Neighborhood Plan
Attachments: Neighborhood Plan Comment Letter - 24-48 Joy Street - TDG - 24.08.09.pdf

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Good Morning,

Thank you for continuing to make the Brickbottom Neighborhood Plan a priority for you all as we strongly believe that this Neighborhood has amazing potential for the City of Somerville. We're looking forward to partnering with the City to find ways to deliver a project consistent with the Neighborhood Plan's goals. With that said, please see our comments based on our detailed review of the Neighborhood Plan and the impacts that it will have on our ability to develop our Property.

Best,
Ken

KEN MCCLURE

VICE PRESIDENT OF DEVELOPMENT - MA

T | D | G

THE DENUNZIO GROUP, LLC
REAL ESTATE DEVELOPMENT & CONSULTING

[REDACTED]

August 9, 2024

City of Somerville Planning Board
93 Highland Avenue
Somerville, MA 02143

Attn: [REDACTED]

Re: Brickbottom Neighborhood Plan, Comment on Public Draft July 2024

Members of the Planning Board:

We are providing this comment letter in response to the recently published Brickbottom Neighborhood Plan, Public Draft: July 2024 (the “Neighborhood Plan”). We are the owner of the contiguous properties located at 24-48 Joy Street in Brickbottom – a total of approximately 1.11 acres – and we want to propose a dense, high-rise, residential project consistent with the goals and vision set forth in the Neighborhood Plan. Our site, however, is extremely constrained between Joy Street and the East Somerville Green Line Station with lot depths ranging from 78’ at the narrowest to 95’ at the widest. These physical, dimensional constraints are very similar to those faced by the North River Company that owns the remaining developable parcels along Joy Street and the MBTA’s Property along the Green Line between our site and 100 Chestnut Street (collectively, the remaining developable parcels along the Green Line Extension in Brickbottom are hereafter referred to as the “Railroad Parcels”).

Our comments on the Neighborhood Plan are thus grounded in the reality we face as an owner of a Railroad Parcel seeking to move forward with development in a challenging economic environment – on the one hand, our site is in a prime transit oriented development location with the opportunity to provide significant housing in a transformative area, but, on the other hand, because of the physical constraints of the Railroad Parcels, the only path forward to a viable development must include significant height, flexible floorplates, and cost-conscious design guidance. With the proper flexibility provided through the Neighborhood Plan and, ultimately, new zoning for Brickbottom, we believe the City’s overall vision set forth in the Plan can be achieved. Our comments are as follows:

- **Flexibility for Railroad Parcels:** While all of the Railroad Parcels face limited access and challenging lot widths and depths for any sort of transformative development, the northernmost Railroad Parcels (our site) are the most physically constrained. These parcels are less than 100 feet deep. Thus, the physical reality of the Railroad Parcels – which collectively represent nearly one third of the developable parcels in Brickbottom – must be taken into consideration when providing guidance through the Neighborhood Plan. Particularly problematic to the Railroad Parcels are the requirements for building setbacks and stepbacks, wide sidewalks and roadways, specified “U” and “E” shaped buildings, separate facades for loading and pedestrian entrances, and narrow building widths. While these requirements or suggestions may work for the Brickbottom lots that are to the west of Joy Street, they would be crippling if applied to the Railroad Parcels, therefore entirely stymying development instead of encouraging it. As such, we request that the following language be included in the Neighborhood Plan at Section 3.3 to

ensure that the Railroad Parcels can all be successfully redeveloped to the benefit of all interested parties – the owners, the community, and the City:

“Flexibility for Railroad Parcels. Parcels located between Joy Street and the Green Line Extension tracks are well positioned to provide high-quality development to further Brickbottom’s goals, but all have narrow lot widths and/or depths and limited opportunities for access and frontage. The City therefore supports the redevelopment of these parcels in keeping with the broader goals for Brickbottom, and recognizes that these parcels will require flexibility regarding building and design requirements to achieve these broader neighborhood goals. Appropriate flexibility should be determined on a project specific basis through site plan review.”

- **Height as the Driver for Public Benefits:** The Neighborhood Plan calls for robust public benefits that require significant capital expenditures by new development – i.e., 20% Civic Space, 20% Arts & Creative Enterprise space, relocation of existing artist spaces, etc. To provide these benefits, the Neighborhood Plan must clearly allow *significant height* in order to offset these capital-heavy and revenue-losing public benefits with revenue-generating spaces. Otherwise, the Neighborhood Plan will not be realized because development will be too risky and costly. To be blunt, the plan’s conceptual renderings of approximately 8 story buildings across the district are not *nearly* high enough to support these public benefits on many parcels, especially for the Railroad Parcels; for our site, a *minimum* height of twelve stories is required to support development in the foreseeable future. By consistently showing all development as approximately 8 stories, the Neighborhood Plan risks creating false expectations of height – or worse, prescriptive notions – that will hamper new development. In order to accurately capture the development needs and future of Brickbottom, the Neighborhood Plan should be amended to state that Brickbottom is a suitable location for high-rise development as part of its intended character.
- **An Arts District Should Embrace Creative Design Solutions:** Detailed design guidelines and prescriptive form-based zoning is a powerful tool for creating normative development, but may not fit well in an Arts District. While form-based zoning may be a useful approach in other areas of Somerville, we question whether this approach is warranted or feasible in Brickbottom. Rather than trying to dictate building types and standards in what is slated to be an Arts District, we would urge the Planning Board and City Staff to consider whether the litany of form-based zoning rules and guidelines will create a neighborhood that, instead of driving creativity, may feel corporate or cookie-cutter. Therefore, we would urge the Planning Board to consider including aspirational language in the Neighborhood Plan that opens the door to more unique architectural solutions, as well as paring back the focus on Design Guidelines; after all, the robust special permit and site plan review processes all large-scale development must go through will ensure that any development will be thoughtful and beneficial to the community.
- **A Broader Approach to Affordability:** By seeking 40% new residential development within Brickbottom, the City is setting a high expectation for dense residential development that is unlikely to come to fruition without some significant incentives or compromise in zoning. To create a pipeline of new high-quality development in Brickbottom, the development must be financeable; high rise residential development rarely pencils in today’s market even in the best scenario, thus, adding on strict inclusionary requirements will all but ensure that the Railroad Parcels remain undeveloped. Simply put, the City’s current inclusionary zoning requirements are

not one size fits all, and they do not fit with high rise residential development on a Railroad Parcel. Therefore, we ask that the City consider allowing a broader range of affordability for these Parcels that would include *lower* affordability thresholds so that these developments can access Low Income Housing Tax Credits and related government programs and sources of funding. Therefore, we would request that the Neighborhood Plan be revised to state that, for Railroad Parcels (at least), the City will consider alternative methods of compliance with the City’s inclusionary housing requirements.

- **Creating Realistic Expectations Around Incentivizes:** We support the use of “incentivize” throughout the Neighborhood Plan instead of “require” for public benefits. That said, given the significant public benefits that the Neighborhood Plan already requires of new development, we note that the theory that a litany of other public benefits can simply be incentivized is likely misplaced unless *significant and tangible* benefits or relief is provided. The infrastructure, civic space, affordable housing, active retail, linkage, and energy code and environmental responsibilities placed upon developers will undoubtedly mean that any development will be a stretch, or, infeasible. If the City expects developers to propose further above-and-beyond public benefits as part of their development applications – and in turn the public is led to believe that these additional public benefits *should* be provided by developers as part of a discretionary permitting process – it may set an unrealistic bar for future development. Therefore, we would urge the Planning Board to consider narrowing down the scope of the aspirational public benefits set forth in the Neighborhood Plan to ensure that the truly important items remain in focus, thus providing clear direction and expectations to developers and the public alike.

As always, we look forward to working with the City to move forward together on a vision for Brickbottom that ensures the continued success of this important area of Somerville.

Sincerely,



VP of Development
The Denunzio Group