

# City of Everett

PLANNING BOARD  
484 BROADWAY  
EVERETT, MA 02149

Frederick Cafasso-*Chairman*  
Nancy Koury  
Anthony Medeiros  
Michael O'Connor  
Leo Pizzano, Jr



Speaker George Keverian Room  
3<sup>rd</sup> Floor-City Hall  
Meetings  
2<sup>nd</sup> & 4<sup>th</sup> Mondays  
7:00PM

June 20, 2017

Mr. Anthony J. Rossi, Esq.  
Rossi & Associates, P.C.  
75 Williams Street  
Chelsea, MA 02150

## Decision

- **Section 28 & 29 - Stormwater Permit Approval for 111 Boston Street, LLC and East Elm Street Realty, LLC – Develop a mixed use retail and residential complex, 85-87 Boston Street and 111 Boston Street, with five (5) granted BOA variances & special permits.**

Applicant: 111 Boston Street, LLC & East Elm Street Realty, LLC, 85-87 Boston Street, Everett, MA 02149

Landowner: 111 Boston Street, LLC & East Elm Street Realty, LLC, 85-87 Boston Street, Everett, MA 02149

Dear Mr. Rossi:

Pursuant to Section 28 'Stormwater Management and Land Disturbance' and Section 29 'Governing Post Construction Stormwater Management' –

The proposed development project is located at 85-87 Boston Street and 111 Boston Street, Everett, MA 02149. The applicant seeks to:

**“Decision:** The Everett Planning Board, on petition of 111 Boston Street, LLC and East Elm Street Realty, LLC for Site Plan approval pursuant to the provisions of Section 28 & 29 of the Everett Zoning Ordinance to authorize the development at property known and numbered as 85-87 Boston Street, (“the Project”) as shown on the plan set entitled: “Proposed Mixed Use Development, 85-87 & 111 Boston Street, Everett, MA,” prepared by Richard A. Salvo, P.E of Engineering Alliance Inc., 194 Central Street, Saugus, MA 01906 and dated August 10, 2016 and last revised April 24, 2017, (the “Site Plan”), do hereby vote to **APPROVE** the Section 28

RECEIVED  
2017 JUN 20 P 3:25  
CITY CLERK'S OFFICE  
EVERETT, MA

and Section 29 Stormwater Plan and submitted materials as noted above, subject to the conditions below.

**FINDINGS OF FACTS:**

1. The Project site is shown on an existing 5.94-acre parcel (the "Development Lot") shown on Everett Assessor's Parcel ID as K0-04-000006 and K0-04-000045 (the "Original Lot") on the Site Plan.
2. The purpose of this site development project is to permit construction of a mixed used retail and residential complex with 545-unit apartment complex with a parking garage for 542 parking spaces and amenities for the residents, following demolition of the existing buildings on the site.
3. The applicant is proposing 826 parking spaces for residents, visitors and retail parking spaces.
4. The applicant received a combination of five (5) variances and special permits from the Everett Board of Appeals for the residential multi-family use in the Industrial Limited and relief of 311 deficient parking spaces, parking dimensions and front yard setback and for the height of the building. Without the variances and special permits, the project does not comply with the Everett Zoning Ordinance.
5. Site Plan: As further described in this Decision, the plans submitted, depict a 545-apartment unit complex, including a building location and traffic pattern that meets the relevant provisions, requirements, standards and guidelines of Everett Zoning Ordinance.
6. The development of the residential apartment building as set forth in the Site Plan and ancillary materials submitted by the Applicant complies with the provisions, requirements, standards and guidelines of Section 28 and Section 29 of the Everett Zoning Ordinance.

**CONDITIONS:**

The site plan approval is subject to the following Conditions of Approval at the sole expense of the Applicant and its successors and assigns:

**GENERAL:**

1. The Project shall be constructed and operated in accordance with the Site Plan and not otherwise without approval of the Planning Board in case of insubstantial or necessary deviations from the approved Site Plan, or, in case of substantial deviation, by modification of the Site Plan by the Planning Board, following notice and hearing pursuant to the Everett Zoning Ordinance and the Zoning Act, G. L. c. 40A. The Building Commissioner shall have the authority to determine if a proposed revision requires further review by the Planning Board.
2. The Project shall obtain approval pursuant to, and be constructed and operated in accordance with, all applicable local, state and federal laws, statutes, ordinances, rules and regulations.
3. If no substantial construction has commenced within two (2) years of the stormwater permit approval, the approval shall lapse and a new application, fees and public hearing will be required.

4. The provisions of this conditional Stormwater Permit Approval shall apply to and be binding upon the landowner, the applicant, and their employees and all successors and assigns in interest, whether by title, control or contract.
5. This decision shall be recorded at the Middlesex South Registry of Deeds and the corresponding recording provided on the cover of the Site Plan.
6. A copy of this Stormwater Permit Approval shall be kept on site, and shall be incorporated into all construction contracts and subcontracts dealing with any authorized activity until the development project is completed.
7. The Applicant shall give reasonable notice to the Engineering Department and TEC, Inc. for inspection prior to test pits inspections or backfilling any proposed underground stormwater management system or installation of any other critical design components.
8. Construction shall be permitted between the hours of 7:00 am to 7:00 pm Monday through Saturday unless otherwise modified by the Building Commissioner. At no time will construction activity occur on Sundays and holidays.
9. Loading and unloading of all construction materials shall take place on Site, unless otherwise approved by the Everett Police Department. A police detail may be required for off-site unloading or loading at the sole expense of the Applicant.
10. The Stormwater System Operation & Maintenance Plan was submitted without being endorsed; please submit a signed and dated version of the 'Plan' to the Planning Department.
11. During construction, the applicant shall take appropriate measures to maintain Vale, Boston and East Elm Streets free from accumulation of sediment and soil erosion as described in the Stormwater Management Report. Applicant shall utilize a mechanic street sweeper on as needed basis to remove sediment of the streets in proximity to the Site.
12. At the completion of the project, the permittee shall submit 'As-built' record drawings of all structural Stormwater controls and be stamped by a registered professional engineer.

**POST OCCUPANCY:**

13. Applicant shall maintain or replace all Stormwater System Maintenance Plan as indicated in the Operation & Maintenance Plan for the duration of the use.
14. The applicant will be responsible to inspect all SMH / oil and water separators installed as part of this project on a semi-annual basis and to be cleaned as necessary.
15. The Applicant or its designee shall submit the 'Operations and Maintenance Log Form' within the Stormwater Management Report to the Department of Planning & Development on an annual basis.
16. The owner(s) of the Stormwater management system must notify the Planning Board of any changes in the ownership or assignment of financial responsibility.

  
Michael Vivaldi, AICP  
Senior Planner

cc: James Soper, Building Commissioner  
Julius Ofurie, Director of Engineering  
Michael Matarazzo, City Clerk  
Richard Salvo, Representative

RECEIVED  
2017 JUN 20 P 3:25  
CITY CLERK'S OFFICE  
EVERETT, MA