



**CITY OF SOMERVILLE, MASSACHUSETTS**  
**MAYOR'S OFFICE OF STRATEGIC PLANNING & COMMUNITY DEVELOPMENT**  
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EXECUTIVE DIRECTOR

PLANNING DIVISION

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**Case #: ZBA 2013-91**  
**Site: 318 Beacon Street**  
**Date of Decision: October 1, 2014**  
**Decision: Petition Approved with Conditions**  
**Date Filed with City Clerk: October 7, 2014**

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**ZBA DECISION**

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<b>Applicant Name:</b>	Beacon Street Partners, LLC
<b>Applicant Address:</b>	P.O. Box 920757, 66 Cranberry Lane, Needham, MA 02492
<b>Property Owner Name:</b>	Beacon Street Partners, LLC
<b>Property Owner Address:</b>	P.O. Box 920757, 66 Cranberry Lane, Needham, MA 02492
<b>Agent Name:</b>	Terrence P. Morris, Esq.
<b>Agent Address:</b>	57 Elm Road, Newton, MA 02460-2144

Legal Notice: Applicant and Owner, Beacon Street Partners, LLC, seek a Special Permit with Site Review to establish 7 residential units per SZO §7.11.1.c, a Special Permit per SZO §9.13 for modification of parking design standards and a Variance §9.13 for parking relief. RC Zone. Ward 2.

<u>Zoning District/Ward:</u>	RC zone/Ward 2
<u>Zoning Approval Sought:</u>	§7.11.1.c, §9.13 (SP) & §9.13 (V)
<u>Date of Application:</u>	December 31, 2013
<u>Date(s) of Public Hearing:</u>	9/3, 9/17 & 10/1/14
<u>Date of Decision:</u>	October 1, 2014
<u>Vote:</u>	5-0 (Special Permit), 5-0 (Variance)

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Appeal #ZBA 2013-91 was opened before the Zoning Board of Appeals at Somerville City Hall on September 3, 2014. 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 two hearings of deliberation, the Zoning Board of Appeals took a vote.



CITY HALL • 93 HIGHLAND AVENUE • SOMERVILLE, MASSACHUSETTS 02143  
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**DESCRIPTION:**

The proposal is to build a second structure with 3 dwelling units facing Harris Street. There will be 6 parking spaces underneath the building with 1 additional space on site, just outside of the garage entrance. The building is zero-entry and will be 3 stories tall with a flat roof. Each unit is a 2 bedroom unit with a study.

**FINDINGS FOR SPECIAL PERMIT (SZO §9.13):**

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

1. Information Supplied:

The Board finds that the information provided by the Applicant conforms to the requirements of §5.1.2 of the SZO and allows for a comprehensive analysis of the project with respect to the required Special Permits.

2. Compliance with Standards: *The Applicant must comply "with such criteria or standards as may be set forth in this Ordinance which refer to the granting of the requested special permit."*

The SPGA may grant a special permit modifying certain parking/loading standards of Article 9 including modification of the modification of parking/loading area design standards. The relief requested must comply with applicable criteria. The Applicant is seeking relief from driveway width and compact spaces.

3. Consistency with Purposes: *The Applicant has to ensure that the project "is consistent with (1) the general purposes of this Ordinance as set forth in Article 1, and (2) the purposes, provisions, and specific objectives applicable to the requested special permit which may be set forth elsewhere in this Ordinance, such as, but not limited to, those purposes at the beginning of the various Articles."*

The proposal is consistent with the general purposes of the Ordinance as set forth under §1.2, which includes, but is not limited to promoting the health, safety, and welfare of the inhabitants of the City of Somerville and to lessen congestion in the streets.

The proposal is consistent with the purpose of the district, which is, "To establish and preserve a district for multi-family residential and other compatible uses which are of particular use and convenience to the residents of the district."

In considering a special permit under §9.13 of the SZO, the Board finds that the modifications proposed would not be detrimental to the neighborhood.

1. Increase in traffic volumes – The parking spaces provided are 8-6' instead of the required 9'-0". The driveway varies in width but is at its narrowest at 8'-9" wide. It will accommodate slow moving, forward facing traffic typical of a residential street. The compact spaces and driveway will not create an increase of traffic volumes.
2. Increased Traffic congestion or queuing of vehicles – The project will not cause congestion or queuing of vehicles of what is beyond typical for a residential street.
3. Change in type of traffic – The site will be residential traffic.
4. Reduction in on-street parking – There will be no reduction in on street parking on Beacon or Harris Streets.
5. Unsafe conflict of motor vehicle and pedestrian traffic – There will not be unsafe conflicts. There is an existing fence gate where vehicles enter the rear of the site. The proposed driveway will be the same condition.



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

The surrounding neighborhood is a mix of uses. The west end of Beacon Street is primarily residential with some business uses. Beacon Street is a major street in Somerville that connects Somerville with Inman and Kendall Squares. Beacon Street, is going through a major reconstruction in the next 24 months to provide for multimodal transportation. In the most recent city inventory, there were 370 cyclists and 395 pedestrians during the morning hour. Harris Street is a residential street with a variety of unit counts. The three unit building will match in context to what exists on the street.

The driveway and compact parking space design will have no impact on the surrounding neighborhood.

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

Circulation on the site will not change, vehicles are already accessing the rear of 318 Beacon Street. The driveway entrance will cause vehicles to slow but not anything beyond typical for a residential street.

**FINDINGS FOR SPECIAL PERMIT WITH SITE PLAN REVIEW (SZO §7.11.1.c):**

In order to grant a special permit with site plan review, the SPGA must make certain findings and determinations as outlined in §5.2.5 of the SZO. This section of the report goes through §5.2.5 in detail.

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."

To establish 6 units in a Residential C zone requires a Special Permit with Site Review.

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".

See Findings for Special Permit #3 above.

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".

See Findings for Special Permit #4 above.

The design complies with the Design Guidelines in SZO §5.2.4

1. The building is of the same size and proportion to those existing in the neighborhood.
2. The building uses traditional and natural materials. A condition of the report is that the materials be reviewed by the DRC and approved by Planning Staff prior to construction. Wood siding is proposed.
- 3 & 4. Additions to existing structures are not applicable.



5. New infill building construction should share the same orientation to the street as is common in the neighborhood. The proposed development has a front entry similar to the rest of the neighborhood.

6. Driveways should be kept to minimal width (perhaps a maximum of 12 feet). The driveway is of minimal design. Vehicles will enter and exit forward facing.

7. Transformers, heating and cooling systems, antennas, and the like should be located so they are not visible from the street or should be screened. The condensers will be located on site at the back of the building.

8. Overlay Districts, not applicable.

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

The project is essential infill development on Harris Street and will function similarly to other multi-family buildings in the area.

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 create adverse impacts on the public system. There are several conditions proposed as part of this report including complying with the city stormwater and drainage policies. If the bedroom count exceeds the City threshold, the project will have to comply with the I/I removal policy.

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

The proposal will not have any adverse impact beyond a typical residential development.

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.”

See Findings for Special Permit #3 above.

9. Preservation of Landform and Open Space: The Applicant has to ensure that “the existing land form is preserved in its natural state, insofar as practicable, by minimizing grading and the erosion or stripping of steep slopes, and by maintaining man-made features that enhance the land form, such as stone walls, with minimal alteration or disruption. In addition, all open spaces should be designed and planted to enhance the attractiveness of the neighborhood. Whenever possible, the development parcel should be laid out so that some of the landscaped areas are visible to the neighborhood.”

There are no existing landforms to preserve.

10. Relation of Buildings to Environment: The Applicant must ensure that “buildings are: 1) located harmoniously with the land form, vegetation and other natural features of the site; 2) compatible in scale, design and use with those buildings and designs which are visually related to the development site; 3) effectively located for



solar and wind orientation for energy conservation; and 4) advantageously located for views from the building while minimizing the intrusion on views from other buildings.”

The design is compatible in scale, design and use with the abutting buildings.

11. Stormwater Drainage: The Applicant must demonstrate that “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. Storm water shall be removed from all roofs, canopies, and paved area, and routed through a well-engineered system designed with appropriate storm water management techniques. Skimming devices, oil, and grease traps, and similar facilities at the collection or discharge points for paved surface runoff should be used, to retain oils, greases, and particles. Surface water on all paved areas shall be collected and/or routed so that it will not obstruct the flow of vehicular or pedestrian traffic and will not create puddles in the paved area. In larger developments, where practical, the routing of runoff through sheet flow, swales or other means increasing filtration and percolation is strongly encouraged, as is use of retention or detention ponds. In instances of below grade parking (such as garages) or low lying areas prone to flooding, installation of pumps or other devices to prevent backflow through drains or catch basins may be required.”

Complying with city stormwater drainage is a condition of this report.

12. Historic or Architectural Significance: The project must be designed “with respect to Somerville’s heritage, any action detrimental to historic structures and their architectural elements shall be discouraged insofar as is practicable, whether those structures exist on the development parcel or on adjacent properties. If there is any removal, substantial alteration or other action detrimental to buildings of historic or architectural significance, these should be minimized and new uses or the erection of new buildings should be compatible with the buildings or places of historic or architectural significance on the development parcel or on adjacent properties.”

There are no historic or architecturally significant properties in the area.

13. Enhancement of Appearance: The Applicant must demonstrate that “the natural character and appearance of the City is enhanced. Awareness of the existence of a development, particularly a non residential development or a higher density residential development, should be minimized by screening views of the development from nearby streets, residential neighborhoods of City property by the effective use of existing land forms, or alteration thereto, such as berms, and by existing vegetation or supplemental planting.”

The natural character and appearance of the City will be enhanced by the proposed design and landscaping.

14. Lighting: With respect to lighting, the Applicant must ensure that “all exterior spaces and interior public and semi-public spaces shall be adequately lit and designed as much as possible to allow for surveillance by neighbors and passersby.”

The lighting will be appropriate for a residential structure.

15. Emergency Access: The Applicant must ensure that “there is easy access to buildings, and the grounds adjoining them, for operations by fire, police, medical and other emergency personnel and equipment.”

Emergency access is possible from Harris Street.

16. Location of Access: The Applicant must ensure that “the location of intersections of access drives with the City arterial or collector streets minimizes traffic congestion.”

There will not be a change to the traffic pattern as a result of this proposal.



17. Utility Service: The Applicant must ensure that “electric, telephone, cable TV and other such lines and equipment are placed underground from the source or connection, or are effectively screened from public view.”

A condition of this report is that all utilities for the new structure be placed underground.

18. Prevention of Adverse Impacts: The Applicant must demonstrate that “provisions have been made to prevent or minimize any detrimental effect on adjoining premises, and the general neighborhood, including, (1) minimizing any adverse impact from new hard surface ground cover, or machinery which emits heat, vapor, light or fumes; and (2) preventing adverse impacts to light, air and noise, wind and temperature levels in the immediate vicinity of the proposed development.”

19. Signage: The Applicant must ensure that “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.”

There is no signage as part of this proposal.

20. Screening of Service Facilities: The Applicant must ensure that “exposed transformers and other machinery, storage, service and truck loading areas, dumpsters, utility buildings, and similar structures shall be effectively screened by plantings or other screening methods so that they are not directly visible from either the proposed development or the surrounding properties.”

The air conditioning units will be screened by the building.

21. Screening of Parking:

Six of the seven parking spaces are below ground.

22. Housing Impact: *Will not create adverse impacts on the stock of existing affordable housing.*

This development will provide 3 additional units of housing.

23. SomerVision Plan: *Complies with the applicable goals, policies and actions of the SomerVision plan, including the following, as appropriate: Preserve and enhance the character of Somerville’s neighborhoods, transform key opportunity areas, preserve and expand an integrated, balanced mix of safe, affordable and environmentally sound rental and homeownership units for households of all sizes and types from diverse social and economic groups; and, make Somerville a regional employment center with a mix of diverse and high-quality jobs. The areas in the SomerVision map that are designated as enhance and transform should most significantly contribute towards the SomerVision goals that are outlined in the table below. The areas marked as conserve are not expected to greatly increase the figures in the table since these areas are not intended for large scale change.*

<u>SomerVision Summary</u>	<i>Existing</i>	<i>Proposed</i>
<i>Dwelling Units:</i>	3	6
<i>Affordable Units:</i>	0	0
<i>Parking Spaces:</i>	Various	7



**FINDINGS FOR VARIANCE FOR PARKING (SZO §9.13):**

In order to grant a variance the Board must make certain findings and determinations as outlined in §5.5.3 of the SZO.

The building is currently conforming to the parking requirement. Although it doesn't have a driveway off of Beacon Street, the rear yard is accessed from Harris Street. On multiple occasions, Planning Staff have observed cars parked in the rear area (this is also reflected on Google Street View). It is our understanding that tenants of the building are allowed to park on site. The current building requirement is 4.5 (3 units x 1.5 spaces per unit) spaces which can be accommodated currently. The additional units require an additional 4.5 spaces (3 units x 1.5 spaces per unit) plus a visitor's space which equals 10 spaces. Seven spaces are being provided. A variance for 3 spaces is required.

1. *There are "special circumstances relating to soil conditions, shape or topography of land or structures which especially affect such land or structures but not affecting generally the zoning district in which it is located, causing substantial hardship, financial or otherwise."*

Special circumstances affecting this site that are unusual and do not affect other properties are that the existing rear yard is used for parking. It is unsightly for cars to be parked in any manor without landscaping or screening. However, the yard makes the existing building compliant in its parking requirement. Any development on the property would require a Variance due to the manor in which the rear yard is used. Solutions to create additional on-site parking compromise other components of this project. The SomerVision Comprehensive Plan, which asserts that this is a community to live, work, play and raise a family, does not fully align with the existing zoning ordinance which requires a total of 10 parking spaces. Therefore, in providing one space per each unit, the project is able to provide on-site parking without compromise to the quality or feasibility of the project plus a visitor's space to keep vehicles off of Beacon or Harris Street.

*Applicant's Response:* The locus is one of 18 lots located in a block bounded by Beacon Street, Eustis St., Prentiss Street and Harris Street (Cambridge), identified on Somerville Assessors Map 39 Block F. There are special circumstances related to the configuration (shape) of the subject lot that collectively do not affect other lots in the block. Taken together these special circumstances create a hardship in locating additional parking on-site other than what has been proposed.

The lot is not uniformly rectangular in shape as the side lot lines are not parallel. The lot width ranges from 58.33 feet on Beacon Street to a pinch point of 44 feet midway through the lot, which constricts efficient parking layout on the lot. The subject lot, which is the second largest lot on the block (15 of the 18 lots being less than 4200 square feet), contains a total of 7,485 square feet. However 645 square feet are located in Cambridge, which effectively makes compliance with the parking requirements a hardship.

The lot is one of five "through" lots that have frontage on both Beacon Street in Somerville and Harris Street in Cambridge. However this is one of only two lots that have sought or are seeking, separate building addresses on each street. Of the "through" lots, the subject lot is the one most impacted by having so much of its lot (645 SF) located in Cambridge. This land area would be more than enough to accommodate the two parking spaces for which the waiver is being requested. However for the reasons set forth hereafter, use of this land for parking would not be in the public interest.

2. *"The variance requested is the minimum variance that will grant reasonable relief to the owner, and is necessary for a reasonable use of the building or land."*

The parking variance will allow for the reasonable use of the land for residences in this neighborhood over parking. It is typical in the City's vibrant, walkable corridors that off-street parking is not always provided. In this instance, there would be one space per unit. Many patrons walk, take the bus and for those who drive and park on the street the parking study submitted shows that sufficient on-street parking exists.



*Applicant's Response:* The existing three-unit, "triple-decker", currently on the site was erected in 1920 prior to the advent of the zoning code and any parking requirements subsequently introduced. From the time parking regulations were adopted and continuing to date, there have never been more than two parking spaces on site dedicated to the residents of the building<sup>1</sup>, when five would have been required. Since there is no proposed increase in the net floor area of the three-family dwelling, the petitioner respectfully suggests that the building is legally nonconforming as to the three additional spaces<sup>2</sup>.

The construction of the new four-unit dwelling requires 6 new parking spaces ( $4 \times 1.5 = 6$ ). Since the project as a whole would contain more than six units, one additional space for visitors is required. According to the staff, the net result is that the two residential buildings would generate a need for twelve (12) spaces [5sp = 3F; 6sp=4F; 1sp= visitor]. The site plan shows seven (7) spaces with 6 of those out-of-sight, garaged beneath the new building. Accordingly, a variance for as many as five spaces for the project is requested.<sup>3</sup>

That a variance of as many as 5 spaces is the minimum necessary to grant reasonable relief to the owner and would result in a reasonable use of land or structure is substantiated by the actual occupancy of the property by tenants without automobiles. This conclusion is also supported by a Parking Study submitted herewith, prepared Design Consultants, Inc. that finds "318 Beacon Street is located in an area where the automobile as means of transportation to work is relatively obsolete" compared to Massachusetts as a whole. The Study goes on to state that "For the local community that encompasses 318 Beacon Street, 22.8% of the occupied housing units have no automobile." This finding is consistent with the historical use of the subject property wherein two of three units have at various times been occupied by tenants without automobiles and would also support a variance for the three spaces normally required for those units.

In addition, the Parking Study goes on to survey the existing on-street parking utilization in the vicinity of the locus within 500 linear feet. The survey concludes with a finding that there is a consistent underutilization of 68-69 permit parking spaces spread among the study areas streets without regard to the time of day or the day of the week. In seeking a variance for as many as 5 spaces for this project, the request is in line with the statistical incidence of automobile usage and available on-street parking inventory in the neighborhood.

3. *"The granting of the variance would be in harmony with the general purpose and intent of this Ordinance and would not be injurious to the neighborhood or otherwise detrimental to the public welfare."*

Somerville's car ownership rate is at 1 car per unit. In this neighborhood, the car ownership rate is .72 per unit. Providing one space per unit will provide the appropriate amount of parking without compromising landscaping and pervious area or attracting tenants with multiple cars. Granting a variance would not be injurious to the neighborhood or to the public welfare.

*Applicant's Response:* With frontage on two streets in two cities, the project has attempted to be respectful to both communities by presenting the front facade of each building on their respective streets with appropriate front yards. To achieve this end we have located a single curb cut on Harris Street to access the accessory parking for the project and forgone the ability to park in what would be the rear yard in Somerville, but the front yard in Cambridge. Further, to mitigate the visual impact on the streetscape, six of the seven spaces are located within the garage beneath the building. To preserve the streetscape on Beacon Street the petitioner has opted not to install a curb cut which could accommodate additional parking, but which would result in the loss of front yard open space especially beneficial to the public view. Moreover, since the three-family dwelling has never had a curb-cut on Beacon Street

<sup>1</sup> However, there is vehicular access to the rear of the site from Harris Street. Statements from the former and current owners indicate of the three tenancies that have occupied the apartments, no more than two of the units have ever needed/used parking behind the building.

<sup>2</sup> It should be noted that the Planning staff takes issue with this position (see below).

<sup>3</sup> Accordingly the petitioner has agreed to formally request a variance for as many as five parking spaces based upon the staff interpretation of the ordinance which would require 12 spaces of which only seven are available. Nonetheless the petitioner reserves the right to present the nonconformity argument for a reduction in that number before the ZBA.



for accessory parking, there always has been at least one on-street, parking space available to the residents and/or the public, that otherwise would have been usurped by a curb-cut.

**DECISION:**

Present and sitting were Members Herbert Foster, Orsola Susan Fontano, Richard Rossetti, Danielle Evans and Elaine Severino with Josh Safdie and Brandy Brooks absent. Upon making the above findings, Susan Fontano made a motion to approve the request for a Special Permit, Special Permit with Site Plan Review and a Variance. Richard Rossetti seconded the motion. Wherefore the Zoning Board of Appeals voted **5-0** to **APPROVE** the request. In addition the following conditions were attached:

#	Condition	Timeframe for Compliance	Verified (initial)	Notes								
1	Approval is to establish 6 units with 7 spaces of compact parking with a narrow driveway. This approval is based upon the following application materials and the plans submitted by the Applicant:	CO / BP	ISD/PIng.									
	<table border="1"> <thead> <tr> <th>Date (Stamp Date)</th> <th>Submission</th> </tr> </thead> <tbody> <tr> <td>December 31, 2013</td> <td>Initial application submitted to the City Clerk's Office</td> </tr> <tr> <td>(August 28, 2014)</td> <td>Modified plans submitted to OSPCD (A-000 Title Sheet, Preliminary Site Plan, Profile &amp; Section, Detail Sheet, Landscape Plan, Landscape Concepts 1 &amp; 2, A-303 Site Context)</td> </tr> <tr> <td>(September 24, 2014)</td> <td>Modified plans submitted to OSPCD (A-001 Area Plans, A-100 Bsmt, First &amp; Second FP, A-101 Second &amp; Roof FP, A-300 Exterior Elev)</td> </tr> </tbody> </table>				Date (Stamp Date)	Submission	December 31, 2013	Initial application submitted to the City Clerk's Office	(August 28, 2014)	Modified plans submitted to OSPCD (A-000 Title Sheet, Preliminary Site Plan, Profile & Section, Detail Sheet, Landscape Plan, Landscape Concepts 1 & 2, A-303 Site Context)	(September 24, 2014)	Modified plans submitted to OSPCD (A-001 Area Plans, A-100 Bsmt, First & Second FP, A-101 Second & Roof FP, A-300 Exterior Elev)
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Any changes to the approved site plan or elevations that are not <i>de minimis</i> must receive SPGA approval.												
<b>Pre-Construction</b>												
2	The Applicant must contact the Engineering Department to obtain a street address prior to a building permit being issued.	BP	Eng									
3	Full site/civil plans, prepared by a Massachusetts registered PE, in conformance with the City's site plan review checklist must be submitted to Engineering.	BP	Eng.									
	Conformance with the City's Stormwater Management Policy must be adhered to. The design engineer must demonstrate that the City system downstream of the proposed sewer connections is capable of handling increased sewer flows.											



4	If the project generates flows greater than 2,000 GPD require a 4:1 removal of infiltration and/or inflow by the Applicant. This will be achieved by submitting a mitigation payment to the City based on the cost per gallon of I/I to be removed from the sewer system. The Applicant shall work with Engineering to meet this condition before a certificate of occupancy is issued.	BP	Eng.	
5	The Applicant must contact the Engineering Department to coordinate the timeline for cutting or opening the street and/or sidewalk for utility connections or other construction. There is a moratorium on opening streets from November 1st to April 1st and there is a list of streets that have additional opening restrictions.	BP	Eng.	
<b>Construction Impacts</b>				
6	The applicant shall post the name and phone number of the general contractor at the site entrance where it is visible to people passing by.	During Construction	Plng.	
7	The Applicant shall at his expense replace any existing equipment (including, but not limited to street sign poles, signs, traffic signal poles, traffic signal equipment, wheel chair ramps, granite curbing, etc) and the entire sidewalk immediately abutting the subject property if damaged as a result of construction activity. All new sidewalks and driveways must be constructed to DPW standard.	CO	DPW	
8	All construction materials and equipment must be stored onsite. If occupancy of the street layout is required, such occupancy must be in conformance with the requirements of the Manual on Uniform Traffic Control Devices and the prior approval of the Traffic and Parking Department must be obtained.	During Construction	T&P	
<b>Design</b>				
9	Applicant shall provide final material samples for siding, trim, windows, and doors to the Design Review Committee for review and comment and to Planning Staff for review and approval prior to construction.	BP	Plng.	
10	An electrical receptacle is required for porches with no access to the ground.	Final Sign Off	Wiring Inspector	
<b>Site</b>				
11	Landscaping should be installed and maintained in compliance with the American Nurserymen's Association Standards	Perpetual	Plng. / ISD	
12	The electric, telephone, cable TV and other such lines and equipment shall be placed underground from the source or connection. The utilities plan shall be supplied to the Wiring Inspector before installation.	Installation of Utilities	Wiring Inspector	
13	The Applicant will supply 1 bicycle parking space on site.	CO	Plng.	
14	The Applicant will supply wall mounted bicycle parking in front of parking spaces 1-6.	CO	Plng.	
<b>Traffic &amp; Parking</b>				
15	The Applicant shall purchase and deliver to Traffic and Parking 3 Pedestrian Impact Recovery Systems.	CO	Plng./ T&P	



<b>Miscellaneous</b>				
16	The Applicant, its successors and/or assigns, shall be responsible for maintenance of both the building and 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	
<b>Public Safety</b>				
17	The Applicant or Owner shall meet the Fire Prevention Bureau's requirements.	CO	FP	
18	If needed, any transformers should be located as not to impact the landscaped area, and shall be fully screened.	Electrical permits & CO	PIng.	
19	To the extent possible, all exterior lighting must be confined to the subject property, cast light downward and must not intrude, interfere or spill onto neighboring properties.	CO	PIng.	
<b>Final Sign-Off</b>				
20	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	PIng.	
21	The Applicant shall remove the roof deck and submit revised plan to Planning Staff prior to a building permit.	BP	PIng.	
22	The Applicant shall install the air condition units on the roof and meet Cambridge and Somerville noise ordinance requirements.	CO	PIng.	



Attest, by the Zoning Board of Appeals:

Herbert Foster, *Chairman*  
Orsola Susan Fontano, *Clerk*  
Richard Rossetti  
Danielle Evans  
Elaine Severino

Attest, by the Administrative Assistant:

\_\_\_\_\_   
Dawn M. Pereira

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 \_\_\_\_\_

