



**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 2013-73**  
**Site: 1119-1133 Broadway**  
**Date of Decision: August 20, 2014**  
**Decision: Petition Approved with Conditions**  
**Date Filed with City Clerk: August 25, 2014**

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**ZBA DECISION**

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<b>Applicant Name:</b>	Shree Ganesh Realty Trust
<b>Applicant Address:</b>	1274 Broadway, Unit #2, Somerville, MA 02144
<b>Property Owner Name:</b>	Shree Ganesh Realty Trust
<b>Property Owner Address:</b>	1274 Broadway, Unit #2, Somerville, MA 02144
<b>Agent Name:</b>	Richard G. DiGirolamo, Esq.
<b>Agent Address:</b>	424 Broadway, Somerville, MA 02145

<u>Legal Notice:</u>	Applicant and Owner, Shree Ganesh Realty Trust, seek a Special Permit to alter a nonconforming structure (SZO §4.4.1) to add a floor to the structure, a Special Permit with Site Plan Review (§5.2 & 7.11.1) to add 8 new residential units and Variance (§5.5) for lot area per dwelling unit (§8.5.B), floor area ratio (§8.5.E), and number of parking spaces (§9.5).
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<u>Zoning District/Ward:</u>	NB zone/Ward 7
<u>Zoning Approval Sought:</u>	§4.4.1, §5.2, §7.11.1, §5.5, §8.5.B, §8.5.E & §9.5
<u>Date of Application:</u>	October 7, 2013
<u>Date(s) of Public Hearing:</u>	7/16, 8/6 & 8/20/14
<u>Date of Decision:</u>	August 20, 2014
<u>Vote:</u>	5-0

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Appeal #ZBA 2013-73 was opened before the Zoning Board of Appeals at Somerville City Hall on July 16, 2014. Notice of the Public Hearing was given to persons affected and was published and posted, all as required by M.G.L.



CITY HALL • 93 HIGHLAND AVENUE • SOMERVILLE, MASSACHUSETTS 02143  
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c. 40A, sec. 11 and the Somerville Zoning Ordinance. After two hearings of deliberation, the Zoning Board of Appeals took a vote.

**DESCRIPTION:**

The current proposal is to add 8 residential units to the two-story building, making it three stories. The units will contain two-bedrooms and a kitchen, living/dining room and a bathroom. To make an accessible unit, the small office and a portion of the storage space on the ground floor will be converted to a residential with a LULA to access the rest of the unit on the second floor. The accessible unit will have its own entrance directly off of the sidewalk.

The existing vertical metal siding and shutters on the bays of the building will be removed and replaced with azek panels that match the design of the bays on the three-story building. The same off-white brick located on the second floor will be used for the façade of the third story. The cornice on the building will be similar in style and dimension to the existing three story building.

There will be no parking onsite. The lot at 8 Curtis Street that currently provides parking for the following users will be available for residents of 1119-1133 Broadway. Technically the spaces cannot be counted as required spaces because parking on a separate lot is not allowed in the RA district.

Owner	3 cars	Due to renovation
Restaurant	2 cars	At will
Out of State plate	4 cars	Temporary Rental
Dentist	2 cars	Parking till 2pm
Liquor	1 car	At will
Laundry	1 car	At will
Convenience Store	1 car	At will
Tenant	3 cars	Lease

**FINDINGS FOR SPECIAL PERMIT (SZO §4.4.1 & §5.1):**

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 dimensions of the building are in the table below. A Special Permit is required for minimum lot size and height and a Variance is required for minimum lot area per dwelling unit, floor area ratio, and parking.

Requirements	NB	Proposal (Including Both Lots)	Proposal (Including Single Lot)	Permit Required
Min Lot Size	N/A	13,330 sf	6,767 sf	Special Permit



<b>Min Lot Area/Dwelling Unit</b>	1000 sf	416 sf	423 sf	Variance
<b>Max Ground Coverage</b>	80%	76%	76%	-
<b>Min Landscaped Area % of lot</b>	10%	0%	0%	-
<b>Floor Area Ratio (based on nsf)</b>	2.0	2.6	2.5	Variance
<b>Max Height</b>	3 stories / 40 ft	3 stories / 34 ft 5 in	3 stories / 34 ft 5 in	-
<b>Min Front Yard</b>	NA	0	0	-
<b>Min Side Yard</b>	NA	0	0	-
<b>Min Rear Yard Abutting RA</b>	1/3 height – not less than 15 ft	~10 ft	~10 ft	Special Permit
<b>Min Frontage</b>	NA	~247 ft	~101 ft	-
<b>Parking</b>	1.5 per unit plus 1 visitor space	-	13	Variance

In considering a special permit under §4.4 of the SZO, the Board finds that the alterations to add a second story to the structure proposed would not be substantially more detrimental to the neighborhood than the existing structure. The appearance of the building will improve greatly with the proposed renovations to remove façade materials that are not sympathetic to the structure and make the building appear cohesive in massing and style.

The proposal complies with the District Standards for the Neighborhood Business District (§6.1.4).

*1. When a fourth floor is included, provide a minimum five (5) foot deep setback from the front lot line building wall, such as a balcony or deck, for the purpose of promoting a scale appropriate to surrounding neighborhoods.*

The building will be a three-story structure that matches the height and scale of the abutting building.

*2. Give preference to locating on-site, off-street parking at the rear of the lot, behind the building or below street level, providing vehicular access from either a side street or alley where possible.*

No parking is provided on the site and none will be added a result of this application and therefore the proposal meets the finding to not locate parking along the street.

*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 providing for and maintaining the uniquely integrated structure of uses in the City and conserving the value of land and buildings.

The proposal is consistent with the purpose of the Neighborhood Business district, which is, "[t]o establish and preserve areas for small-scale retail stores, services and offices which are located in close proximity to residential areas and which do not have undesirable impacts on the surrounding neighborhoods. The increase in the height of the building will improve the streetscape and experience and vitality of the Teele Square business district.

*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 building has been designed to compliment the contextual and historical character of the design of the existing three-story portion of the building. The materials and articulation of the building also are familiar to other buildings within Teele Square.

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

The proposal will add housing to Teele Square and will not create adverse impacts on existing affordable house. The proposal will directly increase the supply of housing by providing a deed restricted affordable unit and will indirectly help with affordability by increasing the supply of housing to meet the demand.

6. 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.*

Teele Square is marked as a Neighborhood Mixed Use area on the Future Land Context Map and as an area to Enhance in the SomerVision Map. The proposal will improve the building and add people to patron the businesses and enhance the vibrancy of the Square.

<u>SomerVision Summary</u>	<i>Existing</i>	<i>Proposed</i>
<i>Dwelling Units:</i>	8	16
<i>Affordable Units:</i>	-	1

**FINDINGS FOR SPECIAL PERMIT with SITE PLAN REVIEW (SZO §5.2 & 7.11.1)**

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.”*

The establishment of seven or more units requires a Special Permit under SZO section 7.11.1.c.

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 Special Permit, number 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 Special Permit, number 4, above.

The design complies with the Design Guidelines in SZO §5.1.5.

1. The building maintains a strong building presence along the primary street edge, continuing the established streetwall across the front of the site so as to retain the streetscape continuity and yards and setbacks as required by Article 8 are maintained.
  2. The building entrances are differentiated from the rest of the primary street elevation by recessing the entry from the plane of the streetwall.
  3. The building makes use of the typical bay widths, rhythms and dimensions prevalent in buildings adjacent to the site.
  4. There are clearly define these bay widths, rhythms and dimensions, making them understandable through material patterns, articulations and modulations of the facades, mullion design and treatment.
  5. The roof types and slopes are similar to those of existing buildings in the area.
  6. Use materials and colors are consistent with those the architectural style and period of the existing building. Use of brick masonry is encouraged and proposed.
  7. There is not parking on the site so a break in the street wall for a driveway or parking lot is not a concern.
  8. The mechanical equipment will be located on the roof.
  9. See Section II, number 2, above for how the building complies with the guidelines in Article 6 for the base district.
5. Functional Design: *The project must meet “accepted standards and criteria for the functional design of facilities, structures, and site construction.”*

The site will continue to function in the way that it does today. The footprint of the building will not change as a result of the proposal.

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 footprint of the building will not change as a result of the proposal and therefore the drainage system will not be impacted. The increase in the number of pedestrians on the streets will be a benefit for the businesses in the Square. No parking will be provided onsite and there an increase in the vehicular traffic as a result of the units will be minimal. The data shows that residential buildings without parking typically attract people that do not have cars.



The City's residential parking sticker data that was pulled in early 2014 shows that only one resident with an address from 1119 to 1133 Broadway has a resident parking sticker and two residents had day visitor passes.

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 Special Permit, number 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 land forms 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 building.

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."*

The footprint of the building will not change and therefore the runoff from the proposal will not from the current situation.

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.”*

The building design respects the historic details on the abutting building and the form and character of Teele Square.

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.”*

There is no landscaping on the site as it is an urban block in the middle of a Square.

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 storefronts on the ground floor are lit when the businesses are open. The only additional lighting will be residential in nature and be by the front door.

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 Broadway or Westminster 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 the 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.”*

The utility service plans needs to be submitted to Lights and Lines prior to construction.

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.”*

There will not be an increase in hard surface ground cover on the site and there will not be negative externalities from machinery emissions. The utilities will be on the roof away from the residential abutters to the north and east. The shadow study shows that the abutting residential building on Westminster will experience some shade in the afternoon of the summer solstice and the afternoon of the fall/spring equinox and partial shade at noon and in the afternoon at the winter solstice. It is important to note that the other 2 ½ story structures shade each other during these timeframes.

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.”*



No residential signage will be posted.

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.”*

Mechanical equipment will be on the roof and must comply with the setback requirements. The utility information must be supplied to the City and must be screened.

21. Screening of Parking:

There is no parking onsite to screen.

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

See Special Permit, number 5, above.

8. 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.*

See Special Permit, number 6, above.

**FINDINGS FOR VARIANCE (SZO §5.5, §8.5 & §9.5)**

The dimensional and parking requirements can be found in the Special Permit Section number 2, above. In order to grant a variance the Board must make certain findings and determinations as outlined in §5.5.3 of the SZO.

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.”*

*Lot area per dwelling unit (§8.5.B) and floor area ratio (§8.5.E)*

The site is a key parcel in Teele Square that is arguable the focal point of the Square. The second floor is in need of alterations to improve the appearance of the building and adding a third floor with more net floor area and units will make the project financially feasible.

*Number of parking spaces (§9.5)*

The site is unique in that there is another parcel owned by the same entity that is available to provide some parking for the new units. There is not an ability to add parking on the subject property because of the shape of the lot and the building that is situated on it.

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.”*



*Lot area per dwelling unit (§8.5.B) and floor area ratio (§8.5.E)*

The proposal creates an aesthetically pleasing building that matches in form, use and density to the abutting property. SomerVision calls for this area to be enhanced and the rezoning effort that is underway to change the zoning to match the Comprehensive Plan will likely allow for a greater density in residential units and building mass in the enhancement areas. Therefore it is a reasonable use to allow this proposal to go through as we plan for the new regulations.

*Number of parking spaces (§9.5)*

The parking variance will allow for the reasonable use of the land for residences in this urban square over parking. It is typical in the City's vibrant, walkable Squares that off-street parking is not provided. Considering only one of the existing 24 residents has a car that they park on the street, it is a reasonable use to add more residential units without parking. 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.

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."*

*Lot area per dwelling unit (§8.5.B) and floor area ratio (§8.5.E)*

As described in the Special Permit and Special Permit with Site Plan Review findings above, the proposal will improve the appearance and massing of this building in the heart of Teele Square and positively impact the neighborhood.

*Number of parking spaces (§9.5)*

With the parking data of the existing units showing little car owner, adding units without parking is not going to be injurious to the neighborhood. In fact, providing no parking will reduce the number of vehicles that come to the Square. The parking study submitted with this application also states that the proposal will not be injurious to neighborhood due to proximity to transit, ride to work data, trip generation and existing availability of on-street parking.



**DECISION:**

Present and sitting were Members Herbert Foster, Orsola Susan Fontano, Richard Rossetti, Danielle Evans and Elaine Severino. Upon making the above findings, Susan Fontano made a motion to approve the requests 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 requests. In addition the following conditions were attached:

#	Condition	Timeframe for Compliance	Verified (initial)	Notes										
1	<p>Approval is for the addition of 8 units to the site on a newly constructed third floor without providing parking. This approval is based upon the following application materials and the plans submitted by the Applicant:</p> <table border="1"> <thead> <tr> <th>Date (Stamp Date)</th> <th>Submission</th> </tr> </thead> <tbody> <tr> <td>Oct 7, 2013 (complete July 2014)</td> <td>Initial application submitted to the City Clerk's Office</td> </tr> <tr> <td>April 4, 2013</td> <td>Plans submitted to OSPCD (Plot Plan)</td> </tr> <tr> <td>May 21, 2013</td> <td>Plans submitted to OSPCD (Shadow Study)</td> </tr> <tr> <td>Mar 28, 2014</td> <td>Modified plans submitted to OSPCD (Existing Plans EX-100, A-100 Basement and 1<sup>st</sup> Fl Plan, A-101 2<sup>nd</sup> &amp; 3<sup>rd</sup> Fl Plans, A-300 Elevations, A-301 Elevations, A-302 Rendering)</td> </tr> </tbody> </table> <p>Any changes to the approved elevations that are not <i>de minimis</i> must receive SPGA approval.</p>	Date (Stamp Date)	Submission	Oct 7, 2013 (complete July 2014)	Initial application submitted to the City Clerk's Office	April 4, 2013	Plans submitted to OSPCD (Plot Plan)	May 21, 2013	Plans submitted to OSPCD (Shadow Study)	Mar 28, 2014	Modified plans submitted to OSPCD (Existing Plans EX-100, A-100 Basement and 1 <sup>st</sup> Fl Plan, A-101 2 <sup>nd</sup> & 3 <sup>rd</sup> Fl Plans, A-300 Elevations, A-301 Elevations, A-302 Rendering)	CO / BP	ISD/PIng.	
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<b>Affordable Housing/Linkage</b>														
2	Affordable Housing Implementation Plan (AHIP) should be approved by the OSPCD Housing Division and executed prior to issuance of Building Permit. The 1 affordable units shall be provided on-site.	BP	Housing											
3	Written certification of the creation of affordable housing units, any fractional payment required, or alternative methods of compliance, must be obtained from the OSPCD Housing Division before the issuance of a Certificate of Occupancy (C.O.). No C.O. shall be issued until the OSPCD Housing Division has confirmed that the Affordable Housing Restriction has been approved and recorded and the developer has provided the promised affordable units on-site.	CO	Housing											



4	No Certificate of Occupancy shall be issued until the OSPCD Housing Division has confirmed that: (for Condominium Projects) the Condominium Documents have been approved and the Developer has agreed to a form of Deed Rider for the Affordable Unit(s), or (for Rental Projects) the Developer has agreed to and executed a Memorandum of Understanding for Monitoring of the Affordable Unit(s).	CO	Housing	
5	Additional requirements for projects with current tenants: A Tenant Relocation Plan should be approved by the OSPCD Housing Division and executed prior to issuance of Building Permit.	BP	Housing	
<b>Pre-Construction</b>				
6	The Applicant must contact the Engineering Department to obtain a street address prior to a building permit being issued.	BP	Eng	
7	The Applicant shall develop a demolition plan in consultation with the City of Somerville Inspectional Services Division. Full compliance with proper demolition procedures shall be required, including timely advance notification to abutters of demolition date and timing, good rodent control measures (i.e. rodent baiting), minimization of dust, noise, odor, and debris outfall, and sensitivity to existing landscaping on adjacent sites.	Demolition Permitting	ISD	
8	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	
9	Cornice on the newly added 3 <sup>rd</sup> floor should be reduced in scale so that it is sized proportionately with the existing adjacent building's cornice.			
<b>Construction Impacts</b>				
10	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	
11	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>Site</b>				
12	Landscaping should be installed and maintained in compliance with the American Nurserymen's Association Standards;	Perpetual	Plng. / ISD	



13	The electric, telephone, cable TV and other such lines and equipment may be required by the City to 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	
<b>Traffic &amp; Parking</b>				
14	Applicant shall purchase and delivering to Traffic and Parking 11 single spaced parking meters with the capacity to accept both coins and credit cards and are consistent with the current parking meter fleet in Somerville.	CO	T & P	
15	Applicant shall purchase and install one U-shaped bike rack to the City standards to be installed on the sidewalk near the subject property.			
<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	
17	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	Plng.	
<b>Public Safety</b>				
18	Applicant shall upgrade the fire alarm system and if the project exceeds half of the value of the building, Applicant shall install a sprinkler system.	CO	FP	
<b>Final Sign-Off</b>				
19	The Applicant shall contact Planning Staff at least five working days in advance of a request for a final inspection by Inspectional Services to ensure the proposal was constructed in accordance with the plans and information submitted and the conditions attached to this approval.	Final sign off	Plng.	



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 \_\_\_\_\_

